

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

August 22, 2013

Agenda Item 4

SUBJECT: Lido Villas - (PA2012-146)
3303 and 3355 Via Lido

- General Plan Amendment No. GP2012-005
- Coastal Land Use Plan Amendment No. LC2013-001
- Code Amendment No. CA2012-008
- Site Development Review No. SD2013-001
- Tract Map No. NT2013-001
(Tentative Tract Map No.17555)
- Mitigated Negative Declaration No. ND2013-001

APPLICANT: Dart Development Group

PLANNER: Makana Nova, Assistant Planner
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PROJECT SUMMARY

The project consists of the demolition of a 3-story commercial building, a single-story church building (First Church of Christ, Scientist), and a 56-space surface parking lot to accommodate the development of 23 townhouse-style multi-family dwelling units on a 1.2 acre site. The following applications are requested in order to implement the project as proposed:

1. **General Plan Amendment**-to change the land use of a portion of the project site (3303 Via Lido) from PI (Private Institutions, 0.75) to RM (Multi-Unit Residential, 20 DU/acre).
2. **Coastal Land Use Plan Amendment**-to change the land use of a portion of the project site (3303 Via Lido) from PI-B (Private Institutions) to RM-D (Multiple-Unit Residential).
3. **Zoning Code Amendment**-to change the Zoning designations of the properties at 3303 Via Lido from PI (Private Institutions) and 3355 Via Lido from RM (Multiple-Unit Residential, 2178) and establish a Planned Community Development Plan (PC) Zoning District over the entire project site with development standards for a new 23-unit multi-family project. In order to establish the proposed planned community development plan, a waiver of the minimum site area of 10 acres of developed land is necessary.
4. **Site Development Review**-to allow the construction of 23 townhouse-style multi-family dwelling units.
5. **Tract Map**-to combine six underlying parcels on two existing properties and establish a 23-unit residential condominium tract on a 1.2 acre site.
6. **Mitigated Negative Declaration**-to evaluate environmental impacts relative to the California Environmental Quality Act (CEQA).

VICINITY MAP



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	RM (Multi-Unit Residential, 20 DU) and PI (Private Institutions, 0.75 FAR)	RM (Multi-Unit Residential, 2178) and PI (Private Institutions, 0.75 FAR)	General Office/Retail and Church
NORTH	MU-V (Mixed-Use Vertical) and MU-W2 (Mixed-Use Water Related)	MU-V (Mixed-Use Vertical) and MU-W2 (Mixed-Use Water Related)	General Office, Retail, and Mixed-Use
SOUTH	PI (Private Institutions) and CG (General Commercial)	PI (Private Institutions) and CG (General Commercial)	Church and General Office
EAST	CG (General Commercial) and PF (Public Facilities)	CG (General Commercial) and PF (Public Facilities)	Retail Shopping Center and Former City Hall Site
WEST	MU-W2 (Mixed-Use Water Related and RM (Multiple-Unit Residential)	MU-W2 (Mixed-Use Water Related and RM (Multiple-Unit Residential)	General Office and Multiple Unit Residential Dwellings

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ (Attachment No. PC 1) and attached Exhibits recommending the City Council:
 - Adopt Mitigated Negative Declaration No. ND2013-001;
 - Approve General Plan Amendment No. GP2012-005;
 - Approve Local Coastal Plan Amendment No. LC2013-001;
 - Approve Code Amendment No. CA2012-008;
 - Approve Site Development Review No. SR2013-001; and
 - Approve Tract Map No. NT2013-001
(Tentative Tract Map No.17555).

INTRODUCTION

Project Setting

The subject properties are located within the Lido Village neighborhood and are generally bounded by Via Lido, Via Oporto and Via Malaga. There are two developments consisting of six legal parcels on the project site, which would combine to create a single building site of 52,099 square feet (1.2 acres).

The southern property at 3303 Via Lido is 17,236 square feet (0.4 acres) in area and is currently developed with the religious institution, First Church of Christ, Scientist, originally constructed in 1947 with additions in 1958 and 1966. The church consists of 8,961 square feet of building area for the primary church facility and an ancillary Christian Science Reading Room. The property is currently designated by the Land Use Element of the General Plan, Coastal Land Use Plan, and the Zoning Code for Private Institutions (PI), consistent with the existing use on the property.

The northern property at 3355 Via Lido is 32,469 square feet (0.8 acres in area). The property is developed with a 56-space surface parking lot and an office building originally constructed as a mixed-use project in 1957. The property is currently designated by the Land Use Element of the General Plan, Coastal Land Use Plan, and the Zoning Code for Multiple-Unit Residential (RM) with a density of 20 dwelling units per acre. The current commercial uses are nonconforming and are subject to abatement by February 1, 2022.

The property that is directly to the north is developed with an office and retail building, at the corner of Via Lido and Via Oporto. To the northeast, 3388 Via Lido, is a mixed-use development consisting of office and two residential units. Properties to the east across Via Lido are developed with multiple-family residential dwellings and an office building.

The properties to the south, across Via Malaga, are developed with the Saint James Anglican Church, an office building, and the City of Newport Beach Fire Station. To the west, across Via Oporto, is a retail shopping center, Via Lido Plaza, that is undergoing tenant improvements for West Marine, a marine-related retail use. Additionally, a new boutique hotel is in the planning stages for the former City Hall site located to the southwest of the project site at 3300 Newport Boulevard.

Project Description

All six underlying legal lots and a vacated alley that transect the site are owned by the project applicant, Dart Development Group. The applicant is proposing to consolidate these underlying lots into one 52,099-square-foot (1.2 acre) parcel and redevelop the site as a multi-family residential development with 23 condominium units. (Project Plans- Attachment No. PC 10).

The building configuration is designed with five blocks of attached, townhouse-style units. Three of these blocks consist of 11 units facing Via Lido, one block consisting of six units facing Via Malaga, and one block of six units facing Via Oporto. Each unit provides two or three bedrooms and is similar in design with three levels of living area above grade and an enclosed stair with a roof deck above.

Access to the project site would be provided via two curb cuts with two-way drive aisle access from Via Oporto at the northwest portion of the project site and Via Malaga at the southeast portion of the project site. Each unit will be provided with an attached 2-car garage and 12 guest parking spaces are proposed at surface level within the internal vehicle circulation areas. Each of the individual garages accommodate two vehicles and a trash enclosure for trash and recycling. The tract map will also establish each unit for individual sale, new emergency access easements, and utility easements to accommodate the location of new structures as part of the development.

Each unit is topped with a flat roof deck at an overall height of 35 feet 3 inches to the top of the roof deck rail. In addition, vertical architectural projections are proposed that accommodate an enclosed stairway access and open-to-below area with a flat roof and overall height of 39 feet. The units range in size between 2,453 square feet to 3,168 square feet of gross floor area. Three units have been designed to be accessible for persons with disabilities.

The proposed architecture consists of a contemporary or modern coastal style with exterior materials consisting of wood siding, stainless steel panels, and glass railings. Access to each unit is also provided along the adjacent public street frontage with enhanced paving, a low stone planter wall, 38-inch-high stained privacy fence, and a covered entry. Common open space areas consisting of open patio areas, landscaping, and a water feature are provided on-site at street corners adjacent to Via Malaga and between the building blocks adjacent to Via Lido.



density limit of 23 units over the total project site (3303 and 3355 Via Lido). The project proposes 23 dwelling units and would be 20 dwelling units per acre.

The following General Plan policies are pertinent to the proposed amendment at 3303 Via Lido:

LU 3.2 Growth and Change

“Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service. (Imp 1.1, 2.1, 5.1, 10.2, 16.2, 16.3, 17.1, 18.1, 19.1, 22.1, 23.1, 23.2)”

The Lido Village Subarea has been characterized by underperforming retail uses within the past decade. The addition of residential units to Lido Village would provide an additional economic base to support existing commercial uses within the neighborhood. Accordingly, the proposed Project would be consistent with Policy LU 3.2.

LU 6.2.1, Residential Supply

“Accommodate a diversity of residential units that meet the needs of Newport Beach’s population of fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design, and development policies, and the adopted Housing Element.”

The Amendment would be fully consistent with the Housing Element. The General Plan Housing Element identifies a need for the construction of 389 homes for “Very Low” income households, 319 homes for “Low” income households, 359 homes for “Moderate” income households, and 702 homes for persons with “Above Moderate” income levels. The Amendment would accommodate seven more “Above Moderate” units than previously intended, thus assisting the City to achieve its housing goals.

LU 6.9.1 Priority Uses

“Encourage uses that take advantage of Lido Village’s location at the Harbor’s turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential with retail uses [areas designated as “MU-W2”, Subarea “A”]. A portion of the Harbor frontage and interior parcels (Subarea “B”) may also contain multi-family residential

[designated as "RM(20/ac)", and the parcel adjoining the Lido Isle Bridge, a recreational and marine commercial use [designated as "CM(0.3)"]. (Imp 2.1, 24.1)"

The Project site is located within Subarea "B," of the Balboa Peninsula/Lido Village/Cannery Village/Mc Fadden Square, as identified on General Plan Figure LU19, where multi-family uses are encouraged. The project proposes a density designation for 3303 Via Lido that will be consistent with the adjacent property at 3355 Via Lido and the recommended density identified by this policy (20 du/acre). Accordingly, the proposed Project would be consistent with Policy LU 6.9.1.

a. Charter Section 423 (Measure S) Analysis

Pursuant to City Charter Section 423 and Council Policy A-18, an analysis must be prepared to establish whether a proposed General Plan amendment (if approved) requires a vote by the electorate. The amendment would be combined with 80 percent of the increases in traffic, dwelling units, and non-residential floor area allowed by previous General Plan amendments (approved within the preceding 10 years) within the same statistical area. The following thresholds are applicable: 100 dwelling units, 100 a.m. peak hour trips, 100 p.m. peak hour trips, or 40,000 square feet of non-residential floor area. If any of the thresholds are exceeded and the City Council approves the requested General Plan Amendment, the Amendment would be classified as a "major amendment" and be subject to voter consideration. Approved amendments, other than those approved by the electorate, are tracked for 10 years and factored into the analysis of future amendments within the same statistical area as indicated.

The project site is located within Statistical Area B5 of the General Plan Land Use Element, and would result in an increase of seven dwelling units. Based on the trip generation rates contained in the Council Policy A-18 (residential/condominium townhouse rate), the proposed amendment is forecast to result in an overall reduction of peak hour trips. There would be no addition of nonresidential floor area with the amendment.

There have been three prior amendments approved within Statistical Area B5 since the 2006 General Plan Update (GP2010-004). The first amendment changed General Plan land use categories and policies to make the Land Use Element of the General Plan consistent with Coastal Commission's certification of Coastal Land Use Plan Amendment No. 2007-001. This Amendment applied to several lots in Statistical Area B5 (Lido Village, McFadden Square and including all of Lido Peninsula). The second amendment changed the land use designation of the properties at 3363, 3369, 3377, and 3378 Via Lido from Multiple-Unit Residential (RM) to Mixed-Use Vertical (MU-V). This site abuts the project site to the north. The third amendment changed the land use designations of the property at 200 30th Street from Two-Unit Residential (RT) to Visitor Serving Commercial (CV) to allow for the retention of an existing coin operated laundry on the site and allow for future development in accordance with the standards of the CV Zoning District.

Table 1, on the following page, summarizes the changes created by the proposed amendment with the recommended RM (20 du/acre) designation. The table also shows threshold totals under Charter Section 423. As indicated, none of the thresholds specified by Charter Section 423 would be exceeded, and therefore, a vote would not be required. A more detailed analysis is included as Attachment No. PC 3.

Table 1: Charter Section 423 Analysis Summary Statistical Area B5				
	Increase in Allowed Floor Area	Increase in A.M. Peak Hour Trips	Increase in P.M. Peak Hour Trips	Increase in Allowed Dwelling Units
GP2012-005 (PA2012-146) 3303 Via Lido	0 sq. ft.	0	0	7
Prior Amendments (80%) 1.GP2011-010 (PA2011-209) 2.GP2011-003 (PA2011-024) 3.GP2010-005 (PA2010-052)	16,275	48.63	64.81	2
TOTALS	16,275	48.63	64.81	9
Section 423 Thresholds	40,000 sq. ft.	100	100	100
Vote	No	No	No	No

If the proposed General Plan amendment is approved by City Council, this amendment will become a prior amendment and 80 percent of the increases will be tracked for 10 years.

b. SB18 Tribal Consultation Guidelines

Pursuant to Section 65352.3 of the California Government Code, a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission (NAHC) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources. The City received comments from the NAHC indicating that 14 tribal contacts should be provided notice regarding the proposed amendment. The tribal contacts were provided notice on January 30, 2013 and the remaining contacts identified by the NAHC were provided notice on August 6, 2013. Section 65352.3 of the California Government Code requires 90 days prior to Council action to allow tribe contacts to respond to the request to consult unless the tribe contacts mutually agree to a shorter time period. Since the most recent set of notices were sent out on August 6, 2013, the 90-day consultation period would end and Council Action could occur on or after November 4, 2013.

The City was contacted by Ms. Joyce Perry, Representing Tribal Chairperson for the Juanero Band of Mission Indians Acjachemen Nation, who expressed an interest in requiring an archeological monitor during construction operations at the project site. The Lido Village area has previously been subject to significant alteration. However,

Mitigation Measures have been required by the Mitigated Negative Declaration requiring an archaeological and paleontological monitor to be on-site to monitor the construction process.

2. Coastal Land Use Plan (CLUP) Amendment

The subject property is located in the coastal zone and therefore, is subject to the applicable goals, objectives, and policies of the Coastal Land Use Plan. The CLUP governs the use of land and water in the coastal zone within the City of Newport Beach and is in accordance with the California Coastal Act of 1976. The subject property at 3303 Via Lido has a land use category of Private Institutions (PI-B). The applicant is requesting to change the current land use of 3303 Via Lido to a Multiple-Unit Residential (RM-D) category, which would match the land use and density (20 du/ac) of the adjacent lot which is the larger portion of the project site (3355 Via Lido).

Figure 2. Current Coastal Land Use Plan, Land use Map



The following Coastal Land Use Plan policy is pertinent to the proposed amendment at 3303 Via Lido and the project as a whole:

Coastal Development Policy No. 2.4.1-3

“Design and site new development to avoid impacts to existing coastal dependent and coastal-related developments. When reviewing proposals for land use changes, give full consideration to the impact on coastal-dependent and coastal-related land uses including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties.”

The PI portion of the site is approximately 0.4 acres in size and abuts a property planned for residential use. Residential uses are located across Via Lido and another religious institution is located across Via Malaga so the change from PI to RM has no impact on these adjacent land uses.

Adequate commercial uses exist in the area. Lido Village, a commercial development to the north of the project site, contains both visitor-serving and coastal-dependent businesses such as restaurants and yacht brokerage firms. Given the mix of uses in the immediate area (residential and private institutional), use of the 0.4 acre portion of the site for residential uses will not affect the ability to accommodate visitors or recreational activities. Changing land use from private institutional (e.g. religious assembly) to residential, in this case, will eliminate a use that is heavily reliant on street parking on weekends when the public parking demand for beachgoers is highest. Therefore, approval of the proposed Coastal Land Use Plan amendment will support visitor access in the area by reducing parking demands attributable to a non-priority use.

Coastal Commission staff reviewed the draft Mitigated Negative Declaration (MND) and indicated a concern about the proposed residential project and land use amendment citing Section 30222 of the Coastal Act, that prioritizes coastal-dependent, coastal-related, visitor-serving, and recreational uses above residential uses. Commission staff's comment is applicable to the 0.4 acre portion of the site that is the subject of the application request to change the General Plan and Coastal Land Use Plan categories from Private Institutional (PI-B) to Multiple-Unit Residential (RM-D) at 20 dwelling units per acre.

One could consider use of the 0.4 acre site for other land use categories such as a park or open space to provide direct public access. The site is not available for public acquisition and given the relatively small size and location of the site (e.g. not located along the bay or beach) it would likely serve local residents rather than visitors. Considering the use of the existing site, planned development of the abutting property (3355 Via Lido) for residential uses, and surrounding non-priority development, the site is not suitable for public acquisition for public parking, park or open space development.

Existing development on the subject property (church) does not currently provide coastal-dependant or coastal-related uses nor does it directly support coastal land uses. Further, the existing land use designation does not require that proposed commercial uses be coastal related. There is no future guarantee that future development, allowed by right under this land use classification, would result in coastal-dependant, coastal-related, or visitor-serving land uses. This distinction is significant as the City has other areas on the waterfront which have been specifically designated as "Recreational Marine Commercial".

The site is separated from Newport Bay by Via Lido and other private development. The PI land use category allows for a multitude of privately owned facilities that might serve the public, including places for assembly/meeting facilities, congregate care homes, cultural institutions, health care facilities, marinas, museums, private schools, yacht clubs, and comparable facilities. Some potential uses permitted in the PI land use category are coastal-dependant and coastal-related such as marinas, museums, cultural institutions, and yacht clubs. However, the non-waterfront location of the project site makes it unsuitable for some of these uses such as marinas and yacht clubs.

It should be noted that despite the fact that the majority of the project site (0.8 acres of the 1.2 acre site) is currently developed with commercial uses, it is also designated for multi-family use at 20 dwelling units per acre. The California Coastal Commission found the change in land use from commercial to multi-family residential for this portion of the project site consistent with Section 30222 when it certified the Coastal Land Use Plan in 2009.

The property to the north of the project site at 3363, 3369, 3377, and 3378 Via Lido was amended from an RM (Multiple-Unit Residential) CLUP land use category to a MU-V (Mixed-Use Vertical) CLUP land use category in November of 2012 at the request of the property owner. This property is a 0.2 acre parcel and the amendment expanded visitor-serving opportunities in the area by maintaining commercial use of the ground level. This land use change partially offsets the potential loss of visitor-serving land uses that could occur as a result of the requested amendment, assuming the church parcel were to be converted to a visitor-serving use in the future.

For these reasons, staff believes the project is consistent with Section 30222 of the Coastal Act and the proposed project would not further limit the potential to place coastal-development, coastal-related, visitor-serving, or recreational land uses within Lido Village and the project would not conflict with Policy 2.4.1-3 of the Coastal Land Use Plan.

3. Zoning Code Amendment-3303 and 3355 Via Lido

The property at 3355 Via Lido is currently within the Multiple-Unit Residential (RM) Zoning District whereas the property at 3303 Via Lido is currently in the Private Institutions (PI) Zoning District. The purpose of the requested amendment is to establish a Planned Community (PC) Zoning District for the entire project site (3303 and 3355 Via Lido) with site specific development standards and regulations.

a. Planned Community

The establishment of a Planned Community Development Plan is regulated by Chapter 20.56 (Planned Community District Procedures). The purpose of the Planned Community Development Plan (PC) Zoning District is to provide for the classification and development of land as coordinated, comprehensive projects in order to take advantage of the superior environment resulting from large-scale community planning. It also allows for the diversification of uses as they relate to each other in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent, and provisions of the Zoning Code. Finally, Planned Communities are intended to include various types of uses, consistent with the General Plan through the adoption of a development plan and text materials that identify land use relationships and associated development standards.

The project site is 1.2 acres in area. Section 20.56.020 (Area Requirements) of the Zoning Code identifies a minimum acreage requirement of 25 acres of unimproved land or 10 acres of improved land area for the establishment of a PC District. The Council may waive these minimum acreage requirements and a waiver would be necessary to establish the proposed PC. A Planned Community is appropriate for the proposed project to ensure broader coordination and consistency with the surrounding neighborhood, including a higher level of architectural quality supporting a coastal living environment with pedestrian connectivity.

The Lido Villas Planned Community would provide for a coordinated, comprehensive project and would establish a specific set of standards and procedures for implementation and continuation of the residential dwelling units as originally intended. Thus, staff suggests that the Planning Commission recommend the City Council approve a waiver of the minimum site area in order to establish the proposed Planned Community for the Lido Villas project.

The draft Lido Villas Planned Community standards (Attachment No. PC 4) are modeled after the RM Zoning District regulations with variations to the required setbacks and height. Table 2, below, provides a comparison between the RM Zoning District standards and the applicant's requested Planned Community:

Table 2- Residential Planned Community Standards		
Development Standards	RM District Standard	Lido Villas Planned Community
Lot Size	6,000 square feet min. for newly created corner lots	52,099 square feet (1.2 acres)
Max. Density¹	23 dwelling units	23 dwelling units
Setbacks²		
Front	20 feet	Via Lido <ul style="list-style-type: none"> 9 feet, first floor 4 feet 5 inches, second floor Via Malaga <ul style="list-style-type: none"> 7 feet 3 inches, first floor 6 feet 6 inches second floor Via Oporto <ul style="list-style-type: none"> 6 feet, first floor 3 feet, second floor
Side	20 feet 9 inches (8% of avg. lot width)	5 feet (along interior property line) to the north
Rear	10 feet	N/A
Height²	<ul style="list-style-type: none"> 28 feet for flat roofs or parapet walls 33 feet for sloped roofs <u>Site Development Review:</u> <ul style="list-style-type: none"> 32 feet for flat roofs or 	<ul style="list-style-type: none"> 35 feet 4 inches for flat roofs or parapet walls 39 feet for architectural projections

Table 2- Residential Planned Community Standards		
Development Standards	RM District Standard	Lido Villas Planned Community
	parapet roofs • 37 feet for sloped roofs	
Buildable Area ² (lot size minus setbacks)	40,208 sq. ft. (utilizing RM setbacks)	47,878 sq. ft. (w/proposed buildable area)
Maximum Floor Area ³ Buildable Area x Floor Area Limit (FAL)	70,364 sq. ft. (1.75 FAL)	54,392.09 sq. ft (1.35 FAL with required buildable area) (1.14 FAL with proposed buildable area)
Open Space		
Common (75 sq. ft./unit)	1,725 sq. ft.	2,483 sq. ft.
Private (5% of gross floor area/unit)	Varies 123-sq. ft. to 159 sq. ft.	Varies 392 sq. ft. (13.2%) to 607 sq. ft. (21.26%)
Parking		
Resident (2 per unit covered)	46 spaces	46 spaces in private garages
Guest (0.5 per unit)	12 spaces	12 spaces in surface parking areas
Total	58 spaces	58 spaces
Solid Waste and Recyclable Materials	48 sq. ft. common refuse 48 sq. ft. common recycling 96 sq. ft. common total	8.5 sq. ft. – 15 sq. ft./unit, total 268.5 sq ft trash 8.5 sq. ft. – 15 sq. ft./unit total, 268.5 sq ft rec. 17 sq. ft. – 30 sq. ft./unit total, 537 sq ft total

¹ With approval of the proposed General Plan Amendment.

² Proposed PC standards vary from the RM development standards.

³ Per Section 20.18.030, up to 200 square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.

B. Project Review

1. Site Development Review

Redevelopment of the project site is subject to a site development review (submitted concurrently) to determine compliance with all applicable development standards of the Lido Villas Planned Community Text.

Policy LU 5.1.9 (Character and Quality of Multi-Family Residential) of the land use element of the General Plan requires that multi-family dwellings be designed to convey a high quality architectural character in accordance with principles for building elevations, roof design, and parking. Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security. All proposed dwelling units incorporate high quality architectural treatments and materials such as wood siding, stainless steel panels, and glass railings to achieve a modern coastal architectural expression. Consistency with the Lido Village Design Guidelines, described below, is further evidence of consistency with this policy. Roof

elements have been designed to provide for step backs above the third level to reduce the apparent scale of the proposed buildings and provide interest and variety. The vertical architectural projections accommodate the enclosed stairway access and provide additional architectural variation and modulation for each unit. Enclosed parking garages on the ground floor for each unit are incorporated into the integral unit design for each building and are readily accessible from the internal driveway. For these reasons, staff believes the project would be fully consistent with Land Use Element Policy LU 5.1.9.

a. *Coastal Land Use Plan Policies*

The following Coastal Land Use Plan policies are pertinent to the proposed project:

Coastal Development Policy No.2.7-1

“Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.”

The site’s proposed Planned Community (PC) Zoning would apply appropriate setbacks and height limits to the project site given the site’s urban location. Other development standards for density, floor area, parking, and open space in the Planning Community Text are consistent with the Multiple-Unit Residential (RM) Zoning District development standards. The subject property does not contain any sensitive coastal resources as it is presently improved with commercial office and religious institutional buildings. The site is not located along the ocean or bay where public access is provided or would be required in the future. All parking is provided on-site, thus protecting existing public parking resources that facilitate coastal access in the area. Accordingly, the project would not conflict with Policy 2.7-1 of the Coastal Land Use Plan.

Coastal Development Policy No. 2.8.7-2

“Require new development to provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion, and other hydrologic impacts to streams.

Chapter 15.10 (Excavation and Grading Code) of the City of Newport Beach Municipal Code requires that all proposed grading activities within the City obtain a grading permit from the City’s Building Official. This chapter specifies grading, fill, drainage, and erosion control standards that shall be applied to the corresponding construction activity.

Pursuant to the requirements of the Santa Ana RWQCB and the City of Newport Beach, the project is required to obtain a NPDES Municipal Stormwater Permit for construction activities. The NPDES permit is required for all projects that include construction

activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities, which would specify the Best Management Practices (BMP's) that the project would be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

A Water Quality Management Plan (WQMP) has been prepared, pursuant to the requirements of the NPDES permit. The WQMP is a post-construction related management program that ensures the on-going protection of the watershed basin by requiring structural (landscape areas and permeable pavers) and programmatic controls (educational materials for property owners, irrigation system and landscape maintenance, and common area litter control) to minimize, prevent, and/or otherwise appropriately treat storm water runoff flows before they are discharged from the site. Accordingly, the project would not conflict with Policy 2.8.7-1 of the Coastal Land Use Plan.

Coastal Development Policy No. 2.9.3-13

"Encourage commercial and institutional development located near beaches and other coastal resources to provide parking for public access during weekends and holidays."

The parking lot at 3355 Via Lido is devoted to the office building and available to the church and public when on-site uses do not require it. Although the loss of this parking resource would be unfortunate, public parking for coastal access cannot be expected to continue on a designated residential site. The project will relocate three existing street parking spaces but will not result in a net change in on-street parking. Thus, the proposed project will not further decrease the potential to provide parking for public access on weekends and holidays and the new category will not conflict with the policies of the Coastal Act.

b. *Height*

The proposed project proposes a height limit of 35 feet 4 inches to the top of the glass roof deck railings. The top of the main building parapet would be 31 feet 10 inches in height. Additionally, an architectural projection is proposed that encloses the stairway access and a small vaulted ceiling area for each dwelling unit that would extend up to 39 feet in height. The primary purpose for the taller projections is to provide architectural interest and building modulation. Additionally, these features will increase privacy for residents when they utilize the proposed roof decks and provide higher ceiling heights in a portion of the 3rd level with increased light. The architectural projections would be limited in size and floor area under the Planned Community development standards to prevent the further expansion or enclosure of the roof deck areas.

The additional parapet and roof deck railing height would allow for modern floor to ceiling heights expected in today's marketplace. The first floor would provide 8-foot-plate heights, the second floor would provide 8-foot-10-inch-plate heights and the third floor would provide 9-foot-plate heights. A large section of the additional building height accommodates a large private roof deck above each unit that complements the active coastal lifestyle and provides a very useable outdoor living environment.

Coastal Commission staff has raised a concern about the height of the project as it relates to Coastal Land Use Plan Policy 4.4.2-1 that states, *"Maintain the 35-foot height limit in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3."*

The Shoreline Height Limitation Zone was first created in 1971 and it considerably lowered height limits in and around Newport Harbor. The policy was incorporated within Zoning Code height limits and although the height standards have been modified from time to time, the Zoning Code has always allowed sloping roofs, staircase/elevator enclosures and certain architectural features to exceed a stated height limitation. Specifically, sloping roofs and staircase/elevator enclosures have been allowed to exceed each height limit by up to 5 feet. For example, single-family homes are limited to 24 feet for flat roofs, 29 feet for sloping roofs, and enclosed stairways or elevators to rooftop decks would also be allowed to 29 feet.

The same would hold true for multi-family zones where flat roofs are allowed to 28 feet and sloping roofs to 33 feet by right, and with discretionary approval, flat roofs can be 32 feet with sloping roofs being 37 feet high. In commercial zones, flat roofs are allowed to 26 feet and sloping roofs to 31 feet by right, and with discretionary approval, flat roofs can be 35 feet with sloping roofs being 40 feet high. In each of these examples, enclosed stairways or elevators would be allowed to the higher height limit. The system with a stated height limit (e.g. 24, 26, 28 etc.) and a 5 foot exception for enclosed stairways or elevators has been in the Zoning Code since 1971.

The height of the architectural features requested by the applicant is within the 5foot exception to the 35-foot-height limit as typically allowed by the Zoning Code. For these reasons, staff believes the project is consistent with CLUP Policy 4.4.2-1. If an applicant were to propose a design that would be taller than the allowable exception provided by the Zoning Code, staff would consider it in conflict with Policy 4.4.2-1, and an amendment of the policy would be necessary.

The requested height is similar to the existing commercial building at 3355 Via Lido, which is currently 35 feet in height. Furthermore, the existing of the 5-story building to the northeast at 3388 Via Lido is 60 feet in height. Thus, the project would result in a development that is compatible with the surrounding neighborhood in terms of bulk and scale.

c. *Parking*

A total of 46 garage parking spaces are required and provided by the proposed project at a rate of two garage spaces per dwelling unit. In addition, 12 guest parking spaces are required and provided at a rate of 0.5 space per dwelling unit. Three ADA compliant units would be provided and one ADA guest parking space would be provided within the surface parking area. The Public Works Department has reviewed the project's vehicle circulation and determined that the proposed layout is sufficient to provide safe and adequate vehicle access throughout the site including access for emergency vehicles, delivery trucks, and individual trash pick-up.

d. *Setbacks*

The Lido Villas Planned Community proposes setbacks that are specific to the design of the project. For each street frontage, the first floor level would be set back to enhance pedestrian connections and provide a covered porch entry for each dwelling unit. The second floor living area would overhang the first floor entry and would thus provide a smaller setback adjacent to each street frontage. The project site is located in Lido Village, a mixed-use area characterized by commercial and residential uses with smaller setbacks typical of a more urban design. The project specific setbacks would be appropriate for the project site, allowing for sufficient building placement and vehicle circulation throughout the interior of the project site. While the setbacks proposed are smaller than what would be expected under the standard RM Zoning District development standards and results in a larger buildable area, the total gross floor area of the proposed project would not exceed the gross floor area that would be permitted under the standard RM setbacks and buildable area.

e. *Lido Village Design Guidelines*

The Lido Village Design Guidelines are to be used by owners who intend to renovate or rehabilitate existing structures, are planning for new construction, or have decided to make significant exterior or site improvements to property, or by the City while reviewing plans for approval.

The Guidelines are intended to be specific enough to describe elements that create a unifying "sense of place" while considering the economic realities of market conditions for owners and tenants various business needs. The Guidelines are not meant to discourage unique or inventive design solutions.

i. *Lido Triangle Goals*

The Lido Village Design Guidelines identify a series of goals for the Lido Triangle, including sensitivity to worship and residential sites, traffic calming devices, building massing, and joint parking opportunities. The project will provide additional residential units, which will be compatible with existing worship and residential uses in the Lido

Triangle area. The project is designed to accommodate any future pedestrian improvements or traffic calming devices that may be installed within the adjacent rights-of-way. Finally, while the project does not provide joint parking opportunities, all required parking is provided on-site, avoiding the need for off-site parking. The proposed project is consistent with the Lido Triangle Goals.

ii. Lido Triangle Edge Conditions

The Guidelines provide guidance for improving the urban experience by addressing the pedestrian and building interface with additional internal pedestrian circulation, monumentation, and gathering places or nodes.

Node opportunities in the Lido Triangle are identified on the corners of Via Malaga and Via Oporto and at Via Malaga and Via Lido. The open space areas proposed at these locations with additional landscaping and a water feature help these spaces function as nodes within the Lido Triangle. The project has made all street facing frontages “street focused edges” by orienting the proposed units toward the street to emphasize the pedestrian interface within these areas. Via Lido is a primary pedestrian corridor and Via Malaga and Via Oporto are considered secondary pedestrian corridors that will be designed to accommodate additional pedestrian amenities within the right-of-way. Current plans for the adjacent commercial center and City Hall re-use across Via Oporto make the project’s frontage along this street less of a service edge as identified in the Design Guidelines and more of a street focused edge. Thus, the project will accommodate these future uses with a street focused edge by orienting the section of units along Via Oporto with pedestrian circulation and access toward the right-of-way. Therefore, the project is consistent with the Lido Triangle Edge Conditions.

iii. Architectural Themes

While there are mixed styles existing within Lido Village, the Lido Village Design Guidelines selected the Coastal and Mediterranean architectural styles based upon the historic relevance and historic vision for the neighborhood. Combining of styles should only be done with great consideration and caution. By drawing inspiration from these two styles, progressive applications may be applied to new construction or remodels.

The architectural style for the project can best be described as modern coastal. In terms of materials and architectural expression, the units are inspired by nautical elements of Newport Harbor. The high quality details and materials take inspiration from modern yachts and are characterized by carefully detailed wood siding, stainless steel panels, and glass railings. The project exemplifies a progressive interpretation of open plan lofts like the historic coastal warehouses in adjacent Cannery Village. The design is also consistent with the modern and progressive renovation of the former Balboa Savings and Loan building located at 3388 Via Lido. This pattern of architectural styles will help define the Lido Triangle as an identifiable Modern Coastal corridor of development.

The units are designed to accommodate residents with active coastal lifestyles. Large windows and modern, light filled homes with roof top patios and views are characteristic of this lifestyle and are common to recent construction in the City. The units have first floors defined by authentic wood siding, modern landscaped patios, and entries to enhance the sidewalk pedestrian experience of the homes. The base of the buildings establish a comfortable human scale and relationship to the city block while creating an architectural complement with the materials of the upper stories

f. *Required Findings*

Pursuant to 20.52.080 (Site Development Review) of the Zoning Code, residential developments of five or more units that are processed in conjunction with a tentative tract map require a site development review by the Planning Commission. The required findings for approval of a site development review must identify that: the project is allowed within the subject Zoning District, that the project will not be detrimental to the harmonious and orderly growth of the City, and that the project is in compliance with applicable criteria including compliance with the General Plan, the Zoning Code, and any applicable specific plan, the efficient arrangement of structures on-site, the compatibility in terms of bulk, scale, and aesthetic treatment, the safety of pedestrian and vehicular access, the adequacy of landscaping and open space area, and the projection of significant public views. Staff believes facts to support the required findings exist to approve the Site Development Review and they are included in the attached draft resolution for approval.

In summary, the proposed land use changes at 3303 Via Lido maximize the efficiency of the project site and provide adequate vehicular circulation rather than a disjointed project that may result if only 3355 Via Lido were utilized for the proposed project. The height, bulk, and scale of the residential units are comparable to the existing 35-foot-high commercial building at 3355 Via Lido. The proposed project is consistent with the Lido Village Design Guidelines and the residential units maximize the pedestrian relationship of the development to the surrounding area. The urban view from two vantage points (The Lido Island Bridge and Lido Park) will not significantly be changed but rather will be improved by the replacement of an uninspiring commercial building with a new modern coastal development. The project has been designed to maintain a harmonious and orderly relationship between adjacent uses in Lido Village. The size, design, location, and screening of mechanical equipment, outdoor lighting, and refuse enclosures will comply with the requirements of Sections Section 20.30.020 (Buffering and Screening), 20.30.070 (Outdoor Lighting), and 20.30.120 (Solid Waste and Recyclable Materials Storage) of the Zoning Code, respectively. Noise and visual impacts with the adjacent commercial property to the north would be minimized by a new 6-foot block wall and landscaping. All required parking is provided on-site and the internal vehicle circulation has been designed to accommodate and provide safe access for emergency vehicles, delivery trucks, and refuse collections vehicles, as determined by the City Traffic Engineer. The project will relocate three on-street parking spaces

along Via Malaga resulting in no net change in the 30 total on-street parking spaces currently provided.

For the reasons noted above, Staff believes the required findings for the Site Development Review can be made.

2. Tentative Tract Map

The proposed project includes a request to combine six parcels and establish a 23-unit residential condominium tract (Attachment No. PC 9). The map would serve to consolidate a portion of Lot 4 and all of Lot 5 with portions of the adjoining alley of Tract No. 1117 and Lots 1201 through 1204 of Tract No. 907 and portions of the adjoining alley into a single lot (Lot 1). Existing sewer and utilities easements on-site would be abandoned as part of the tract map. The tract map will also establish new emergency access easements and utility easements to accommodate the proposed project.

Section 19.12.070 (Required Findings for Action on Tentative Maps) of the City of Newport Beach Municipal Code provides required finding for approval of a tentative tract map. These findings include: consistency with the General Plan and any applicable specific plan, that the site is physically suitable for development, that proposed improvements are not likely to cause substantial environmental damage to fish, wildlife, or their habitat, or cause serious health problems, that the project will not conflict with easements, a "land project", solar access and passive heating requirements, the City's share of the regional housing need, or the discharge of waste into the sewer system, and finally, that the project will conform with the public access and recreation policies of the Coastal Act. Staff believes facts to support of the required findings exist to approve the map and they are included in the attached draft resolution for approval.

In summary, the site is relatively flat and a geotechnical engineering investigation determined that the site is safe and suitable for the proposed development. In addition, the site does not support any environmental resources and proposed development would not significantly impact any sensitive resources within the nearby Newport Bay.

The General Plan estimates that future traffic noise exposure will be 60 dB CNEL to the nearest residential facades to Via Lido and identifies that residential uses are clearly compatible or normally compatible with the 60 dB CNEL. With appropriate noise control measures under conventional construction and design of the proposed project (e.g., closed windows, fresh air supply systems or air conditioning), the interior noise levels would comply with the City and State interior noise standard of 45 dB CNEL for residential units.

The Public Works Department has also reviewed the proposed tentative map and believes it is consistent with the Newport Beach Subdivision Code (Title 19) and applicable requirements of the Subdivision Map Act. Each residential unit would be required to provide separate sewer and water connections to a new main connecting

within Via Lido. Conditions of approval have been included to ensure compliance with Title 19. The applicant would be required to construct public improvements consistent with applicable Subdivision Code and design standards, including retrofitted curb drains, roadway surfacing along Via Malaga and Via Oporto, and ADA curb ramps along the Via Lido, Via Malaga, and Via Oporto frontages. The project includes the relocation of a street light along Via Oporto and the relocation of existing Edison Vents and a fire hydrant along Via Malaga. New street trees will be installed including Water Gum Trees along Via Oporto and Gold Medallion Trees along Via Lido and Via Malaga. The sewer line work proposed within the public right-of-way would take approximately 2 weeks to complete and will require the approval of an encroachment permit by the Public Works Department to ensure safety.

For the reasons noted above, Staff believes the required findings for the Tentative tract Map can be made.

C. Environmental Review

Prior to making a recommendation on the proposed project, the Planning Commission must first review, consider, and recommend City Council adoption of the Mitigated Negative Declaration (MND) (Attachment No. PC 5). The MND is comprised of the Notice of Intent (NOI), Initial Study (IS), Environmental Analysis, and Appendices.

Based upon the analysis of the Initial Study, the environmental categories within which the project would have either no impact or less than significant impact were: *Aesthetics, Agricultural/Forest Resources, Biological Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utilities/Service Systems.*

Based upon the analysis of the Initial Study, the environmental categories within which the project would have potentially significant impacts were: *Air Quality, Cultural Resources, and Hazards/Hazardous Materials.* Specific mitigation measures have been included to reduce the potentially significant adverse effects to a less than significant level. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for consideration attached as Exhibit "B" of the draft resolution (Attachment No. PC 1).

On the basis of the analysis provided in the MND, City staff has concluded that the project would not have a significant impact on the environment. The MND reflects the independent judgment of the City and recognizes project design features, standard construction and engineering practices, and review and reevaluation of future projects as the means to avoid potential impacts. The project site does not include any sites on an Environmental Protection Agency hazardous waste site list pursuant to Government Code Section 65962.5.

The MND was completed and circulated for a mandatory 30-day public-review period that began on July 12, 2013, and concluded on August 13, 2013. The public comment period was extended through August 13, 2013 to allow for comments received through OPR (the Office of Planning and Research), which began the review period on July 15, 2013. Several comment letters were received from advising agencies which are attached (Attachment PC 6) for consideration.

PUBLIC NOTICE

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Letters submitted by the public are provided as Attachment No. PC 7. Thus far, one public comment has been received in opposition of the proposed architectural style of the project.

SUMMARY

Staff believes that the facts associated with the subject property and proposed project support the requested land use amendments and required findings for the project. The project would result in the redevelopment of an under-utilized and aging site with a new residential project that implements the General Plan goals and policies for the development of the Lido Village Subarea. The change in land use of the portion of the site devoted to the church would not create any land use conflicts or eliminate the real potential for other future uses of the site that would otherwise benefit the community. The project would also result in the redevelopment of a site that was specifically re-designated for residential use to encourage its redevelopment and strengthen Lido Village. Although not currently zoned for residential use, the land use change and incorporation of the property at 3303 Via Lido creates a cohesive and more functional residential project for the area. The project successfully integrates residential uses to support surrounding commercial uses within Lido Village. The project exhibits high quality architectural treatment of the building and given the constraints of the property, the requested height and setbacks are reasonable and consistent with the General Plan policies and proposed Lido Village Planned Community development standards. The requested setbacks are consistent with the development pattern within Lido Village and enhance pedestrian connections along the project's street frontages. The requested height is similar to existing development on the project site and results in a development that is compatible with the surrounding neighborhood in terms of bulk and scale.

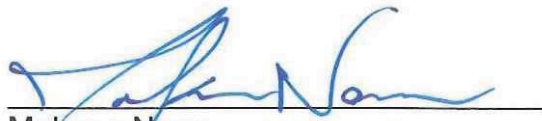
Therefore, staff recommends Planning Commission recommend City council adoption of the Mitigated Negative Declaration and approval of the project applications based on the discussion and facts above and the recommended conditions of approval that have been incorporated into the attached resolution (Attachment No. PC1).

ALTERNATIVES

Staff believes that the findings for approval can be made for the proposed project as recommended and the facts in support of the required findings are presented in the draft resolution (Attachment No. PC 1). The following alternatives are available to the Planning Commission:

1. The Planning Commission may suggest specific changes that are necessary to alleviate any concerns such as the project height, resulting in abrupt changes in scale, or architectural consistency with the Lido Village Design Guidelines. If any additional requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return once the applicant has had an opportunity to revise the project accordingly with a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the land use amendments, the Planning Commission may deny the application without prejudice in the attached draft resolution for denial (Attachment No. PC 2). The applicant may then return with a project that incorporates only the property at 3355 Via Lido, which is already designated for multi-family residential use.

Prepared by:



Makana Nova
Assistant Planner

Submitted by:



Brenda Wisneski, AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution Recommending Approval with Attached Exhibits
- PC 2 Draft Resolution for Denial
- PC 3 Section 423 Analysis Table
- PC 4 Lido Villas Draft Planned Community Text
- PC 5 Mitigated Negative Declaration No. ND2013-001
- PC 6 Letters from Advising Agencies
- PC 7 Public Comments
- PC 8 Site Photos
- PC 9 Tract Map No. 17555
- PC 10 Project Plans

Attachment No. PC 1

Draft Resolution Recommending
Approval with Attached Exhibits

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL ADOPTION OF MITIGATED NEGATIVE DECLARATION NO. ND2013-001, APPROVAL OF GENERAL PLAN AMENDMENT NO. GP2012-005, COASTAL LAND USE PLAN AMENDMENT NO. LC2013-001, ZONING CODE AMENDMENT NO. CA2012-008, SITE DEVELOPMENT REVIEW NO. SD2013-001, AND TENTATIVE TRACT MAP NO. NT2013-001 FOR PROPERTIES LOCATED AT 3303 AND 3355 VIA LIDO (PA2012-146)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by DART Development Group, with respect to property located at 3303 and 3355 Via Lido, and legally described as Lots 1201 to 1204 together with that portion of the adjoining alley of Tract 907, as shown on map recorded in Book 28, Pages 25 to 36, inclusive, of Miscellaneous Maps, records of Orange County, California, together with that portion of Lots 4 and 5 of Tract 1117, in the city of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 35, Page 48 of Miscellaneous Maps, records of Orange County, California, together with a portion of the 20 foot alley adjoining said Lots 4 and 5 as abandoned by resolution of the City Council of Newport Beach on February 4, 1946, a certified copy of said resolution being recorded March 11, 1946 in Book 1400, Page 149 of Official Records, requesting approval of a General Plan amendment, Coastal Land Use Plan amendment, Zoning Code amendment, site development review, and tentative tract map.
2. The proposed project consists of the demolition of a 3-story commercial building, a single-story church building (First Church of Christ, Scientist), and a 56-space surface parking lot to accommodate the development of 23 townhouse-style multi-family condominium units on a combined 1.2 acre site.
3. The General Plan Land Use Element category of the subject property at 3303 Via Lido is Private Institutions (PI, 0.75 FAR). The General Plan Land Use Element category of the subject property at 3355 Via Lido is Multiple-Unit Residential (RM, 20 du/ac).
4. The requested change of the General Plan designation of 3303 Via Lido is from Private Institutions (PI, 0.75 FAR) to Multiple-Unit Residential (RM, 20 du/ac) (General Plan Amendment No. GP2012-005).

5. Council Policy A-18 requires that proposed General Plan amendments be reviewed to determine if a vote of the electorate would be required pursuant to Section 423 of the City Charter. If a General Plan Amendment (separately or cumulatively with other GPA's within the previous 10 years) generates more than 100 peak hour trips (AM or PM), adds 40,000 square feet of non-residential floor area, or adds more than 100 dwelling units in a statistical area, a vote of the electorate would be required if the City Council approves the GPA.
6. This is the fourth General Plan Amendment that affects Statistical Area B5 since the General Plan update in 2006. The amendment results in seven additional dwelling units and there is no change in square-footage of non-residential floor area. The seven additional units result in an overall decrease in a.m. and p.m. peak hour trips based on the residential/condominium townhouse trip rates provided in Council Policy A-18. Including 80 percent of prior General Plan amendments results in a total increase of 16,275 square feet of nonresidential floor area, 49 a.m. peak hour trips, 65 p.m. peak hour trips, and nine residential dwelling units for Statistical Area B5. As none of the thresholds specified by Charter Section 423 are exceeded, no vote of the electorate is required if the City Council chooses to approve General Plan Amendment No. GP2012-005.
7. The subject property is located within the coastal zone. The Coastal Land Use Plan category of 3303 Via Lido is Private Institutions (PI-B) and the Coastal Land Use Plan category of 3355 Via Lido is Multiple-Unit Residential (RM-D).
8. The requested change to the Coastal Land Use category is consistent with the recommended General Plan Amendment for 3303 Via Lido from Private Institutions (PI-B) to Multiple-Unit Residential (RM-D). The CLUP amendment (LC2013-001) will not become effective until the amendment to the Coastal Land Use Plan is approved by the Coastal Commission.
9. The Zoning designation of 3303 Via Lido is Private Institutions (PI, 0.75 FAR) and the Zoning designation of 3355 Via Lido is Multi-Unit Residential (RM, 2178).
10. The requested change of the Zoning District designations for both portions of the project site are to the PC-Planned Community Zoning District (Zoning Code Amendment No. CA2012-008). The application includes the adoption of the Lido Villas Planned Community that will provide land use and development standards for the construction and operation of a 23-unit condominium development. A waiver of the 10 acre (developed) minimum site area is requested as part of the establishment of the PC Zoning District. The resulting density under the PC Zoning District would be equivalent to the density allowed under the RM 2178 designation and would allow for a maximum of 23 dwelling units on-site (20 dwelling units per acre).

11. A public hearing was held on August 22, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. An Initial Study and Mitigated Negative Declaration have been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3.
2. The draft Mitigated Negative Declaration was circulated for a 30-day comment period beginning on July 12, 2013, and ending on August 13, 2013. The environmental document and comments on the document were considered by the Planning Commission in its review of the proposed project.
3. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are attached as Exhibits "A" and "B", respectively. The documents and all material, which constitute the record upon which this decision was based, are on file with the Planning Division, City Hall, 100 Civic Center Drive, Newport Beach, California.
4. On the basis of the entire environmental review record, the proposed project, with mitigation measures, will have a less than significant impact upon the environment and there are no known substantial adverse affects on human beings that would be caused. Additionally, there are no long-term environmental goals that would be compromised by the project, nor cumulative impacts anticipated in connection with the project. The mitigation measures identified and incorporated in the Mitigation Monitoring and Reporting Program are feasible and will reduce the potential environmental impacts to a less than significant level.

SECTION 3. REQUIRED FINDINGS.

1. Amendments to the General Plan, Coastal Land Use Plan, and Zoning Code are legislative acts and neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments. However, amendments of the Coastal Land Use Plan must be found consistent with the Coastal Act to be certified by the California Coastal Commission.
2. The requested GPA and resulting land use change is compatible with the existing surrounding uses and planned land uses identified by the General Plan because the project would introduce residential land uses on a property that abuts 3355 Via Lido, which is already designated for residential land use. Additionally, the proposed amendment from PI to RM will be compatible with adjacent residential properties to the east, religious institutional use to the south, and commercial

uses to the west. 3355 Via Lido is an unusually shaped parcel and the proposed amendment will create a larger shaped parcel making development more efficient. The Lido Village Subarea has been characterized by underperforming retail uses within the past decade and additional residential units would support commercial properties within the area.

3. The requested GPA from PI to RM does not eliminate existing or future land uses to the overall detriment of the community given the site's small size, location, and surrounding uses. The site is developed with buildings designed for a religious institution and the site does not provide adequate parking and is reliant upon off-site and public street parking. Maintaining the site's PI land use designation would maintain the existing religious institutional use, which is not considered a traditional visitor-serving use, and maintain the inadequate parking arrangement. The existing buildings would require extensive alterations to accommodate other potential visitor-serving uses or other institutional uses under the existing PI land use designation.
4. The requested GPA and resulting land use change is consistent with other applicable land use policies of the General Plan. Consistent with General Plan Policy 6.9.1 (Priority Uses) for Lido Village, the project site is located in an area of Lido Village where multi-family uses are planned and encouraged. The size, density and character of the proposed dwelling units complement the existing land uses in the project area and include design elements consistent with Land Use Element Policy 5.1.9 (Character and Quality of Multi-Family Residential) that require multi-family dwellings to be designed to convey a high quality architectural character. Consistent with General Plan Policy LU 6.2.1 (Residential Supply), the provision of 23 townhomes on the site would help the City meet its regional housing needs.
5. The requested CLUP amendment is necessary to maintain consistency with the recommended GPA. The CLUP amendment is consistent with other applicable policies of the CLUP related to land use, public access, and resource protection. The project would not limit the potential to place coastal-development and coastal-related land uses within Lido Village given the site's location and existing adjacent and planned uses. The site is separated from Newport Bay by Via Lido and private development and the majority of the site is designated for residential use. The site is also separated from nearby commercial uses by public roadways with the exception of the small commercial property to the north of the project site. The site does not provide public access to the coast and development will reduce demand for public parking with the elimination of the existing religious institutional use that does not provide off-street parking. The proposed Planned Community (PC) Zoning would apply appropriate site and project specific setbacks and height limits to the project site given the site's urban location and all required parking is provided on-site. The site is fully developed and does not support any natural resources and all potential environmental impacts associated with the project are appropriately addressed through standard building permit

procedures and the mitigation measures identified in the Mitigated Negative Declaration.

6. The requested Zoning Code Amendment to establish a Planned Community Development Plan will provide appropriate land use regulations and development standards ensuring that the project will meet the goals, objectives, and policies of the General Plan, CLUP, and purpose of the PC district. Despite the requirement that PC's be 10 acres to take advantage of larger-scale comprehensive planning, the 1.2-acre Lido Villas Planned Community provides for a coordinated and comprehensive project establishing an urban standard more consistent with the project's location within the larger commercial and mixed-use Lido Village area. The Multiple-Unit Residential (RM) development standards reflect a suburban standard and establishing urban standards through a Planned Community are necessary in order to better integrate the proposed project with the surrounding area. Larger scale, comprehensive planning for Lido Village has been accomplished through the recently approved Lido Village Design Guidelines, and thus, a waiver of the 10 acre area requirement for the establishment of a Planned Community is appropriate for the proposed project under these circumstances.
7. The future development of the property affected by the proposed amendments will be consistent with the goals and policies of the Land Use Element of the General Plan and the Coastal Land Use Plan; and will be consistent with the purpose and intent of the proposed Lido Villas Planned Community (PC) Zoning District of the Newport Beach Municipal Code.

Site Development Review

A site development review is required for the construction of five or more residential units processed in conjunction with a tentative tract map. The site development review analyzes the project as a whole for compatibility with the site and surrounding land uses. In accordance with Section 20.52.080 (Site Development Review) of the Zoning Code, the following findings and facts in support of a site development review are set forth:

Finding:

- A. *Allowed within the subject Zoning district;*

Facts in Support of Finding:

- A-1. The proposed Site Development Review for a 23-unit condominium project is consistent with the proposed Lido Villas Planned Community that would allow 23 residential units.

Finding:

B. In compliance with all of the applicable criteria [below]:

- a. Compliance with this Section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
- b. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent development; and whether the relationship is based on standards of good design;*
- c. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
- d. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
- e. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
- f. The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View Protections); and*

Facts in Support of Finding:

- B-1. Refer to facts 1 through 7 under *Required Findings*, above that discuss the project's consistency with the proposed Multiple-Unit Residential (RM) General Plan land use designation, RM-D Coastal Land Use Plan category, and the Lido Village Planned Community (PC) Zoning District.
- B-2. The project has been designed as 23, 3-story units within five building structures and provides for effective private open space, light, and air for each unit. The project is integrated as a unified development through the use of similar architectural style and design elements, shared use of parking, and internal pedestrian circulation.
- B-3. Access to the site, on-site circulation, and parking areas are designed to provide standard-sized parking spaces, 26-foot-wide, two-way driveways, and the minimum vehicle turning radius to accommodate and provide safe access for residents and guests (including the disabled), emergency vehicles, delivery trucks, and refuse collections vehicles, as determined by the City Traffic Engineer.
- B-4. The front setbacks along each street frontage are appropriate to support pedestrian connectivity within Lido Village and each dwelling unit provides separate and well-defined entries.
- B-5. Mechanical equipment for the residential units have been located within enclosures at the roof deck level to reduce noise impacts and the enclosures will

provide effective screening below the roof deck parapet level to minimize aesthetic impacts.

- B-6. The project has been designed to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts. A 6-foot block wall provides a buffer between the proposed residential units and the existing commercial units to the north of the project site and is designed to maintain privacy and protection for the residential tenants.
- B-7. The height, bulk, and scale of the residential units are comparable to the existing 35-foot-high commercial building on-site at 3355 Via Lido. Each dwelling unit is designed to provide variation and modulation between building units and along the rooflines for visual interest. The front façades include both vertical and horizontal off-sets and utilize a variation of building materials to provide enhanced visual relief. The massing of the project is broken up into five separate buildings, which vary in size and placement throughout the project site breaking up building massing.
- B-8. The proposed project is consistent with the Lido Village Design Guidelines. The proposed project combines coastal and modern architectural styles into the residential project in a way that is conscious of coastal living lifestyles and provides a modern loft style reminiscent of the historic coastal warehouses found in adjacent Cannery Village. The residential units provide separate and well-defined entries. All residential units are oriented toward adjacent streets to maximize the pedestrian relationship of the development to the surrounding Lido Village area. The greater setback of the lower level affords a covered porch and the reduced setback at the second level creates a greater interface with the adjacent rights-of-way to ensure compatibility with the pedestrian environment.
- B-9. The proposed units are appropriate in relationship to existing and adjacent development in the area. The unified design theme of the residential units provides for an architectural pattern with the mixed-use structure at 3388 Via Lido to the northeast and historic coastal warehouses located further to the south in Cannery Village.
- B-10. The units are oriented toward the adjacent right-of-way to support pedestrian connections in the Lido Village Subarea. Walkways and egress are sufficient throughout the site as reviewed by the Building Division and the City Traffic Engineer.
- B-11. The project provides 46 residential parking spaces, and 12 residential guest parking spaces, which can be provided entirely on-site. Each residential unit will be afforded a private enclosed two-car garage with direct interior access to their units. All guest parking spaces are provided in the surface parking areas.

- B-12. The project would relocate three on-street parking spaces along Via Malaga, resulting in no net change in the 30 total on-street parking spaces currently provided.
- B-13. The site design provides only two curb cuts with ingress and egress access from Via Oporto and Via Malaga to minimize potential conflicts with use of the streets. The project provides adequate sight distance at each driveway, as determined by the City Traffic Engineer.
- B-14. The parking area complies with the landscape parking lot requirements of NBMC Sec. 20.40.070.D.3 (Development Standards for Parking Areas) and includes adequate and effective use of ground cover, hedges, and shade trees. Landscaping is provided throughout the site in areas that are not utilized by the existing units or areas for parking circulation. All setback areas are landscaped. A variation of ornamental groundcover, vines, shrubs, and trees are utilized to help soften and buffer the massing of the condominium units.
- B-15. New street trees will be provided along all three street frontages adjacent to Via Lido, Via Malaga, and Via Oporto.
- B-16. The project is subject to the City's Water-Efficient Landscape Ordinance (Chapter 14.17 of NBMC) and compliance will be confirmed at plan check prior to issuing building permits.
- B-17. The proposed residential development provides a series of common outdoor living areas that includes open plazas and landscaped seating areas between the residential buildings. Additionally, a water feature is proposed at the corner of Via Lido and Via Malaga. Each unit is afforded a covered porch area and landscaping, private outdoor living space in the form of large balconies, and private roof decks.
- B-18. The site is visible from two key vantage points identified by the General Plan. However, these vantage points are oriented toward water views of Newport Bay. The urban view from these vantage points will not be changed significantly but rather will be improved by replacement of an uninspiring commercial building with a new modern coastal development. The portion of Via Lido, Via Oporto, and Via Malaga, on which the project is located, are not designated as coastal view roads and do not provide coastal views requiring public view protection.

Finding:

- C. *The proposed development is not detrimental to the harmonious and orderly growth of the City, or endanger jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

- C-1. The residential project has been designed to ensure that potential conflicts with surrounding land uses are minimized to the extent possible to maintain a healthy environment for both businesses and residents by limiting access points and providing an architecturally pleasing project with articulation and building modulations to enhance the urban environment consistent with the Lido Village Design Guidelines.
- C-2. The proposed surface parking lot has been designed to accommodate and provide safe access for emergency vehicles, delivery trucks, and refuse collections vehicles, as determined by the City Traffic Engineer. The size, design, location, and screening of the refuse enclosures will comply with the requirements of NBMC Sec. 20.30.120 (Solid Waste & Recyclable Materials Storage) ensuring compatibility with the on-site and adjacent uses. Adequate access to individual refuse containers would be provided through each individual unit.
- C-3. Noise and visual impacts with the adjacent commercial property to the north would be minimized due to the 6-foot block wall, and landscaping.
- C-4. The project is subject to the City's Outdoor Lighting requirements contained within Section 20.30.070 of the Zoning Code.
- C-5. Roof-top mechanical equipment for each unit would be fully enclosed within an equipment screen and would not be visible from the right-of-way.
- C-6. The new construction will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Tentative Tract Map

A tentative tract map is requested for residential condominium purposes, to create 23 condominium units. The map would also serve to consolidate six parcels and portions of adjacent vacated alleys into one lot. In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the Newport Beach Municipal Code, the following findings and facts in support of a tentative tract map are set forth:

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with the applicable provisions of the Subdivision Map Act and the City Subdivision Code.*

Facts in Support of Finding:

- A-1. Refer to facts 1 through 4 under *Required Findings*, above, that discuss the project's consistency with the proposed Multiple-Unit Residential (RM) General Plan land use designation.
- A-2. The Tentative Tract Map provides for the development of a cohesive planned community with a pattern of building orientations and vehicle circulation that provide a pedestrian-friendly environment with strong connectivity to adjacent commercial and office areas.
- A-3. The Public Works Department has reviewed the proposed tentative map and found it consistent with the Newport Beach Subdivision Code (Title 19) and applicable requirements of the Subdivision Map Act.
- A-4. Conditions of approval have been included to ensure compliance with Title 19.

Finding:

- B. That the site is physically suitable for the type and density of development.*

Facts in Support of Finding:

- B-1. The site is relatively flat and based on the Geotechnical Engineering Services Report prepared by Professional Service Industries, Inc. on August 24, 2012, the site is safe and suitable for development. The site is located within the Orange County coastal plain and underlain by Quaternary alluvial and fluvial sedimentary deposits and the area of the subject site is considered seismically active. Groundwater was measured at approximately 5feet below existing grade on-site. The Geotechnical Report prepared for the project site indicates the near surface soils have a very low expansion potential. The Geotechnical Report identified the following issues that will affect the construction of the development: surface and subsurface disturbance during clearing and demolition, shallow groundwater, potentially liquefiable soils, and soft soil deposits which will require the use of a deep foundation system. A deep foundation system is also recommended to address the presence of soft compressible soils and the shallow water table of the project site. The Geotechnical Report provides additional recommendations for construction of the proposed project to ensure the suitability for the proposed development that will be required for construction.
- B-2. The 1.2 acre site is large enough to accommodate 23 units while providing sufficient landscape setback and open space areas as well as vehicle access and guest parking areas that meet applicable standards. The existing developed site is devoid of natural resources and it is located in an area that provides adequate access to roadways and utilities.

- B-3. The General Plan estimates that future traffic noise exposure will be 60 dB CNEL to the nearest residential facades to Via Lido and identifies that residential uses are clearly compatible or normally compatible with the 60 dB CNEL. With appropriate noise control measures under conventional construction and design of the proposed project (e.g., closed windows, fresh air supply systems or air conditioning), the interior noise levels would comply with the City and State interior noise standard of 45 dB CNEL for residential units.

Finding:

- C. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

Facts in Support of Finding:

- C-1. Under existing conditions, the project site and surrounding land areas are fully developed with urban uses and do not contain sensitive biological resources. The vegetation that occurs on-site is ornamental in nature, including trees and ornamental shrubs, groundcover, and vines growing on the existing building's facades and screen walls.
- C-2. No drainages traverse the property and no potential jurisdictional waters or wetlands areas are present on or immediately adjacent to the site.
- C-3. A Mitigated Negative Declaration (MND) was prepared for the proposed project and impacts to biological resources were not identified in the initial study analysis. Thus, mitigation measures for biological resources are not required to ensure the protection of fish, wildlife, or their habitat. On the basis of the entire environmental review record, the proposed Project will have a less than significant impact upon the environment with the incorporation of mitigation measures for air quality, cultural resources, and hazards & hazardous materials. The mitigation measures identified in the MND are feasible and reduce potential environmental impacts to a less than significant level. The mitigation measures would be applied to the Project through the Mitigation, Monitoring and Reporting Program.

Finding:

- D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding:

- D-1. At full build-out, the residential project will decrease Green House Gas ("GHG") emissions when compared to existing uses, as documented in the MND.
- D-2. Mitigation measures identified in the MND reduce potential impacts associated with air quality, cultural resources, hazards & hazardous materials to a level that is less than significant.
- D-3. No evidence is known to exist that would indicate that the planned subdivision pattern will generate any serious public health problems.
- D-4. All construction for the project will comply with Building, Public Works, and Fire Codes. Public improvements will be required of the developer per Section 19.28.10 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

- E-1. Public improvements, consisting of retrofitted curb drains, roadway surfacing along Via Malaga and Via Oporto, and ADA curb ramps along the Via Lido, Via Malaga, and Via Oporto frontages will be required of the applicant per the Municipal Code and the Subdivision Map Act. Each residential unit would be required to provide separate sewer and water connections to a new main within the project site that will connect to an existing main in Via Lido.
- E-2. Existing sewer and utilities easements on-site would be abandoned as part of the tract map. The tract map will establish new emergency access easements and utility easements to accommodate the location of new structures as part of the development. The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.

Finding:

- F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

- F-1. The project site does not contain prime farmland, unique farmland, or farmland of statewide importance and no portion of the Project site is covered by a Williamson Act contract.

Finding:

- G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

- G-1. The project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land nor is it located within the boundaries of a specific plan.

Finding:

- H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding:

- H-1. The proposed Tentative Tract Map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Community Development Department enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding:

- I-1. There are no existing dwelling units on the project site. Rather the proposed project includes the construction of 23 new condominium units to contribute to the City's share of the regional housing need, 7 units above what is planned for within the General Plan. The applicant will be responsible for the payment of appropriate fair share, housing in-lieu, and park for the development of these new dwelling units as conditions of approval.

Finding:

- J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding:

- J-1. A National Pollutant Discharge Elimination System (NPDES) permit is required from the Regional Water Quality Control Board (RWQCB) for the proposed construction activities. A permit is required for all construction activities that include clearing, grading, and/or excavation that disturb at least one acre of total land area. Additionally, a Water Quality Management Plan (WQMP) has been prepared, pursuant to the requirements of the NPDES permit.
- J-2. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities, which would specify the Best Management Practices (BMP's) that the project would be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.
- J-3. Sewer connections have been conditioned to be installed per City Standards, the applicable provisions of Chapter 14.24 (Sewer Connection, Permits), and the latest revision of the Uniform Plumbing Code.
- J-4. There is adequate sewer system capacity to serve the requirements of the proposed Project. The proposed Project would be able to tie into the existing

sewer system without adversely affecting the system, causing any water quality affects, or violating existing requirements prescribed by the Regional Water Quality Control Board. Wastewater from the project will be generated by residential build-out. There will be a reduction in wastewater from the site with the demolition of the existing commercial building and construction of the proposed dwelling units.

Finding:

- K. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Facts in Support of Finding:

- K-1. The project site is located within the Coastal Zone. The applicant is requesting a Coastal Land Use Plan amendment for the parcel at 3303 Via Lido to accommodate the proposed development. The land use amendment and subsequent coastal development permit (CDP) requests will be reviewed by the California Coastal Commission following City Council approval of the proposed project. . The proposed RM-D land use category does not significantly reduce opportunities for coastal-related, coastal-dependant, or visitor-serving land uses in the Lido Village neighborhood. The project is consistent with the proposed Multiple-Unit Residential (RM-D) Coastal Land Use Plan land use amendment for 3303 Via Lido. Coastal access is not inhibited as the project site is an inland parcel and is not designated for present or future horizontal or lateral coastal access.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission hereby recommends that the City Council of the City of Newport Beach adopt Mitigated Negative Declaration No. ND2013-001 as depicted in Exhibit "A" and Mitigation Monitoring Report Program as depicted in Exhibit "B" of this resolution.
2. The Planning Commission hereby recommends that the City Council of the City of Newport Beach approve General Plan Amendment No. GP2012-005 as depicted in Exhibit "C", changing the land use designation of 3303 Via Lido from Private Institutions (PI) to Multiple-Unit Residential (RM, 20 du/ac)
3. The Planning Commission hereby recommends that the City Council of the City of Newport Beach approve Coastal Land Use Plan Amendment No. LC2013-001

as depicted in Exhibit "D", changing the land use designation from Private Institutions (PI-B) to Multiple-Unit Residential (RM-D).

4. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of Zoning Code Amendment No. CA2012-008 as depicted in Exhibit "E", changing the Zoning designation of 3303 Via Lido from PI (Private Institutions) to PC (Planned Community) and changing 3355 Via Lido from RM, 2178 (Multi-Unit Residential) to PC, waiving the 10 acre minimum PC area requirement, and adopting the Lido Villas Planned Community Text as set forth in Exhibit "E".
5. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of Site Development Review No. SR2013-001 and Tentative Tract Map No. NT2013-001, subject to the conditions of approval set forth in Exhibit "F".

PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF AUGUST, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Bradley Hillgren, Chairman

BY: _____
Kory Kramer, Secretary

Exhibit “A”

**Mitigated Negative Declaration
MND SCH No. 2010071050**

(Available separate due to bulk)

<http://www.newportbeachca.gov/index.aspx?page=1347>

Exhibit “B”

Mitigation Monitoring Report Program

DRAFT



6.0 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Air Quality				
<u>Threshold 4:</u> During construction of the proposed Project, maximum daily combined emissions for, PM ₁₀ and PM _{2.5} emissions have the potential to exceed the LSTs before application of best management practices and mitigation measures.	MM AQ-I Prior to grading permit issuance, the City shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Newport Beach staff to confirm compliance. These notes also shall be specified in bid documents issued to perspective construction contractors. The following notes shall be included on the grading plan and in construction bid documents to implement SCAQMD Rule 403: <ul style="list-style-type: none">• The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three (3) times a day, preferably in the midmorning, afternoon, and after work is done for the day.• The construction contractor shall ensure that all construction vehicles hauling earth materials or demolition debris use covers on any material to prevent the emission of dust during material transport.• Disturbed areas shall be replanted as	Project Applicant, Construction Contractor / City of Newport Beach Building Division	Prior to grading permit issuance, prior to commencement of construction and during construction	Less than Significant



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>soon as practical following grading, if such areas will not immediately be paved or covered with buildings.</p> <ul style="list-style-type: none"> The contractor shall ensure that traffic speeds on all unpaved surfaces of the Project site are reduced to 15 miles per hour or less. <p>MM AQ-2 Prior to grading permit issuance, the City shall verify that a note is included on the grading plan requiring a sign be posted on-site that restricts the idling of diesel engines to less than five minutes. The sign shall be installed before construction activities commence and remain in place during the duration of construction activities. Project contractors shall be required to ensure compliance with idling restriction and permit periodic inspection of the construction site by City of Newport Beach staff to confirm compliance. The idling restriction also shall be specified in bid documents issued to prospective construction contractors.</p>	Project Applicant, Construction Contractor / City of Newport Beach Building Division	Prior to grading permit issuance, prior to commencement of construction and during construction	
Cultural Resources				
<u>Threshold 2:</u> Although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities.	<p>MM CR-1 Prior to the issuance of grading permits, the City shall verify that the following note is included on the grading plan(s).</p> <p><i>"If suspected archaeological resources are encountered during ground-disturbing construction activities, the construction contractor shall temporarily halt work in a 100-foot radius around the find until a qualified archaeologist can be called to the site to assess the significance of the find,</i></p>	Project Applicant, Construction Contractor and (if required) Project Archaeologist / City of Newport Beach Building Division and Planning Division	Prior to issuance of grading permits and during grading	Less than Significant



THRESHOLD	MITIGATION MEASURES		RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p><i>and, if necessary, develop appropriate treatment measures in consultation with the City of Newport Beach.”</i></p> <p>The grading contractor shall be responsible for complying with the note. If the archaeologist determines that the find does not meet the CEQA standards of cultural significance, construction shall be permitted to proceed. However, if the archaeologist determines that further information is needed to evaluate significance, the City of Newport Beach shall be notified and a data recovery plan shall be prepared in consultation with the City, which may include the implementation of a Phase II and/or III archaeological investigation per City guidelines. All significant cultural resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historical Resources Information System South Central Coastal Information Center (CHRIS-SCCIC). The archaeologist shall incorporate analysis and interpretation of any significant find(s) into a final Phase IV report that identifies the level of significance pursuant to Public Resources Code § 21083.2(G). The Project Applicant, in consultation with the archaeologist and the City, shall designate repositories in the event that resources are recovered.</p>				
Threshold 3: Although unlikely,	MM CR-2	Prior to the issuance of grading permits,	Project Applicant,	Prior to issuance of	Less than Significant



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
there is a remote possibility that paleontological resources could be encountered during site grading activities.	<p>the City shall verify that the following note is included on the grading plan(s).</p> <p><i>“If suspected paleontological resources (fossils) are encountered during ground-disturbing construction activities, the construction contractor shall temporarily halt ground-disturbing activities within 100 feet of the find until a qualified paleontologist can be called to the site to assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with the City of Newport Beach.”</i></p> <p>The grading contractor shall be responsible for complying with the note. At the paleontologist’s discretion, the construction contractor may assist in removing rock samples for initial processing. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Newport Beach shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction.</p>	Construction Contractor, and (if required) Project Archaeologist / City of Newport Beach Building Division and Planning Division	grading permits and during grading	
Hazards/Hazardous Materials				
Threshold 1 and 2: The existing buildings on the site that would be demolished as part of the	MM HM-I The City of Newport Beach shall condition all demolition permits to comply with South Coast Air Quality	Project Applicant, Construction Contractor, Asbestos-	Prior to issuance of demolition permits and during	Less than Significant



THRESHOLD		MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Project contain friable asbestos materials and materials coated with lead-based paint, both of which have the potential to expose construction workers and/or nearby sensitive receptors to health risks during demolition activities. Asbestos-containing materials and materials containing lead-based paints have the potential to create a significant hazard to the public or the environment.		Management District (SCAQMD) Rule 1403 with respect to asbestos containing materials and the demolition contractor shall be required to comply with Rule 403. All asbestos-related work conducted during the demolition process shall be performed by a licensed Asbestos-abatement Contractor under the supervision of a certified Asbestos Consultant. Asbestos-containing construction materials (ACCMs) shall be removed and disposed of in compliance with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks. During demolition, the demolition contractor shall maintain all records of compliance with Rule 1403, including, but not limited to, the following: evidence of notification of SCAQMD pursuant to Rule 1403; contact information for the Asbestos-abatement Contractor and Asbestos Consultant; and receipts (or other evidence) of off-site disposal of all ACCMs. These records shall be made available for City inspection upon request.	abatement Contractor / City of Newport Beach Building Division	demolition	
	MM HM-2	The City of Newport Beach shall condition all demolition permits to comply with Title 17, California Code of Regulations (CCR), Division 1, Chapter 8 (LBP Regulations), which addresses requirements for the removal of components painted with lead-based paint (LBP) during demolition of existing	Project Applicant, Construction Contractor, and Certified Lead Supervisor / City of Newport Beach Building Division	Prior to issuance of demolition permits and during demolition	



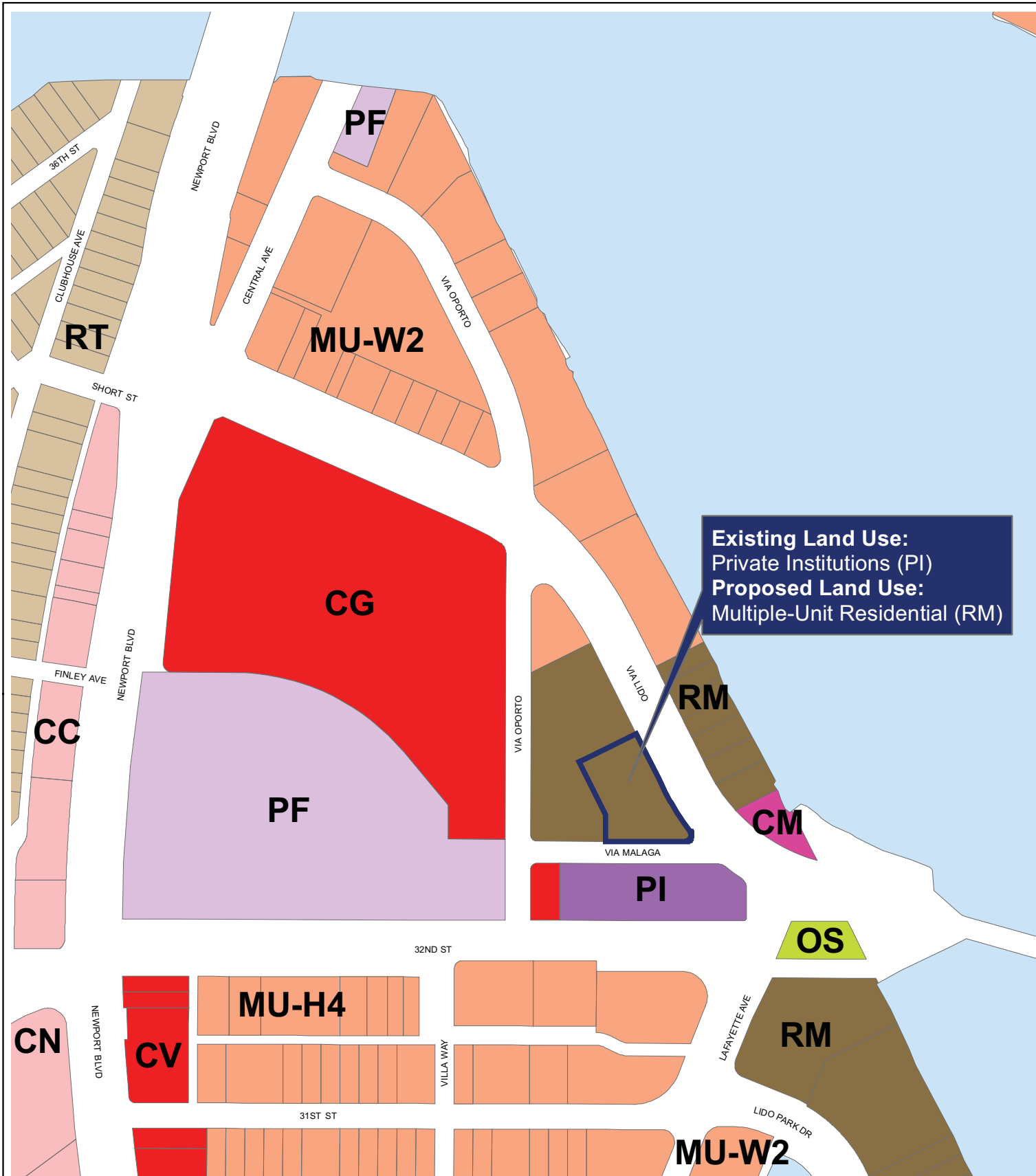
THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>structures. The demolition contractor shall be required to comply with these provisions. Notification to the California Department of Public Health (CDPH) shall be conducted through completion of an Abatement of Lead Hazards Notification, CDPH Form 8551. The removal of all LBP materials shall be conducted:</p> <ul style="list-style-type: none">• By a Certified Lead Supervisor or Certified Lead Works, as defined by §§ 35008 and 35009 of the LBP Regulations, respectively;• In accordance with the procedures specified in Chapter 12: Abatement, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," U.S. Department of Housing and Urban Development, June 1995;• Using containment and in a manner which does not result in contamination of non-work areas with lead-contaminated dust, lead-contaminated soil, or lead-based paint debris; and• In accordance with an abatement plan prepared by a certified lead supervisor, certified lead project monitor, or certified lead project designer, which includes all of the requirements as specified in § 36100(4)(A) of the LBP Regulations <p>The Certified Lead Supervisor</p>			



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	conducting abatement shall retain records of the notification to the CDPH, and shall retain a copy of the abatement plan on-site at all times during demolition activities. The notification and abatement plan shall be made available to the City upon request for review. All demolition activities shall be subject to inspection by the CDPH and/or City officials to ensure compliance with the requirements of the LBP Regulations and abatement plan. Following completion of all abatement activities, a clearance inspection shall be conducted by a certified lead inspector/assessor or certified lead project monitor in accordance with §§ 36000(a) and 36000(c)(3) of Title 17, CCR, Division I, Chapter 8. A copy of the results of the clearance inspection shall be provided to the City Planning Division upon completion of abatement and inspection activities.			

Exhibit "C"
General Plan Land Use Map
Amendment

DRAFT



GP2012-005 (PA2012-146)
General Plan Amendment
3303 Via Lido

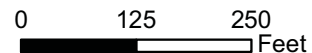
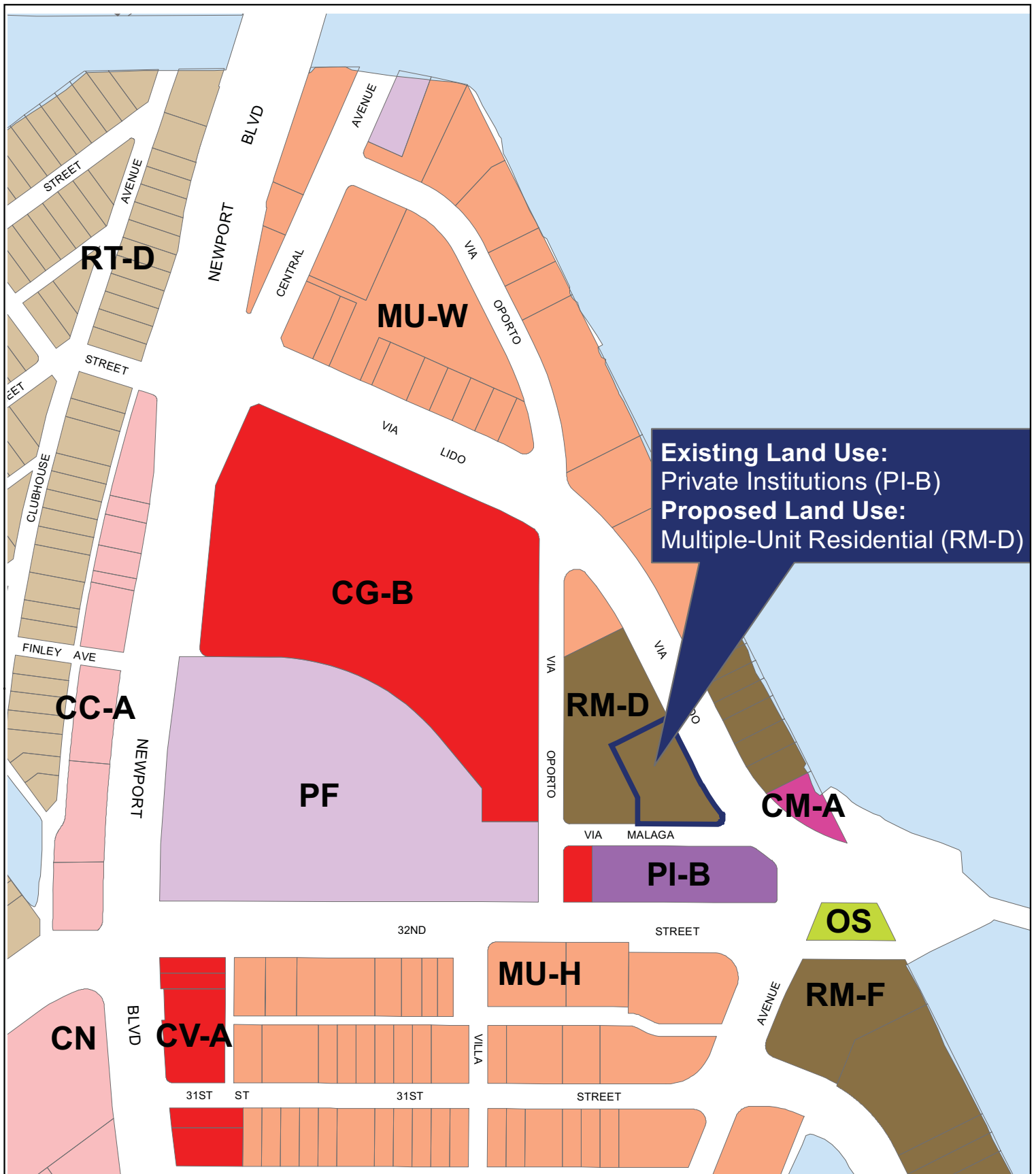


Exhibit “D”

Coastal Plan Land Use Plan

Amendment

DRAFT



LC2013-001 (PA2012-146)
Coastal Land Use Plan Amendment
 3303 Via Lido

0 125 250 Feet



Exhibit “E”
Zoning Map Amendment
And
Lido Villas Planned Community Text

DRAFT



CA2012-008 (PA2012-146)
Zoning Code Amendment
3303 and 3355 Via Lido

0 125 250 Feet



NEWPORT
Info
NEWPORT INFORMATION SYSTEMS

LIDO VILLAS

Planned Community Development Plan

Date: May 16, 2013

Adopted _____ Ordinance No. 2013-

TABLE OF CONTENTS

1.0	Introduction and Purpose	3
2.0	General Conditions and Regulations	4
3.0	Land Use and Development Regulations	8
3.1	Lido Villas	8
	1. Number of Units	8
	2. Development Standards.....	8
	a. Lot Area.....	8
	b. Building Area.....	8
	c. Building Height.....	8
	d. Building Setbacks.....	8
	e. Parking.....	9
3.2	Signs.....	9
	A. Sign Allowance & Standards	9
4.0	Site Development Review.....	10
4.1	Purpose	10
4.2	Application	10
4.3	Findings	10
4.4	Contents	11
4.5	Public Hearing – Required Notice.....	11
4.6	Expiration and Revocation Site Plan Review Approvals	12
4.7	Fees.....	12

LIST OF EXHIBITS

Exhibit Name	Exhibit Number
Conceptual Site Plan	A

1.0 INTRODUCTION AND PURPOSE

The Lido Villas Planned Community Development Plan (P) is composed of 23 single family residential townhomes, totaling 63,592 square feet. It is located on the site across from the current City Hall building and bounded by Via Lido, Via Oporto and Via Malaga. The vision laid out in the City's Lido Village Concept Plan is that this parcel is to be part of a vibrant gateway village in the heart of the peninsula. The PCDP has been developed in accordance with the Newport Beach General Plan and is consistent with the Local Coastal Land Use Plan.

The purpose of this PCDP is to provide for the classification and development of coordinated, cohesive, comprehensive planning project with 23 single-unit residential townhomes called Lido Villas.

Whenever the regulations contained in the PCDP conflict with the regulations of the Newport Beach Municipal Code, the regulations contained in the PCDP shall take precedence. The Newport Beach Municipal Code shall regulate all development within the PCDP when such regulations are not provided within the PCDP Regulations.

2.0 GENERAL CONDITIONS AND REGULATIONS

1. Archaeological/Paleontological Resources

Development of the site is subject to the provisions of City Council Policies K-4 and K-5 regarding archaeological and paleontological resources.

2. Architectural Design

All development shall be designed with high quality architectural standards and shall be compatible with the surrounding uses. The development should be well-designed with coordinated, cohesive architecture and exhibiting a high level of architectural and landscape quality in keeping with the PCDP's prominent location on the Balboa Peninsula. Massing offsets, variation of roof lines, varied textures, openings, recesses, and design accents on all building elevations shall be provided to enhance the architectural style. Architectural treatments for all ancillary facilities shall be provided.

3. Building Codes

Construction shall comply with applicable provisions of the California Building Code and the various other mechanical, electrical and plumbing codes related thereto as adopted by the Newport Beach Municipal Code.

4. Flood Protection

Development of the subject property will be undertaken in accordance with the flood protection policies of the City.

5. Grading and Erosion Control

Grading and erosion control measures shall be carried out in accordance with the provisions of the Newport Beach Excavation and Grading Code and shall be subject to permits issued by the Community Development Department.

6. Gross Floor Area

Gross floor area shall be defined as the total area of a building including the surrounding exterior walls.

7. Height and Grade

The current site design for the proposed project includes 23 townhome units with flat roof and heights that vary between 31 feet 10 inches (top of roof and roof deck), 35'-4" (top of guardrail) and 39' (top of architectural feature and stairwell to the roof, 350 SF of area for the Harbor Unit and 200 SF of area for the Island Unit) measured from existing grade shown on the topographic survey prior to development of the site.

The architectural feature allows for a varied and interesting roofline as well as providing access and privacy to the outdoor living areas on the roof. The height of any structure within the PCDP shall not exceed thirty nine (39) feet, unless otherwise specified. The height of a structure shall be the vertical distance between the highest point of the structure and the grade directly below.

8. Landscaping/Irrigation

Landscaping and irrigation shall be provided in all areas not devoted to structures, parking lots, driveways, walkways, private patios, and common area patios to enhance the appearance of the development, reduce heat and glare, control soil erosion, conserve water, screen adjacent land uses, and preserve the integrity of PCDP. Landscaping and irrigation shall consist of a combination of trees, shrubs, groundcover and hardscape improvements. Landscaping shall be prepared in accordance with the Landscaping Standards and Water-Efficient Landscaping Sections of the Newport Beach Municipal Code and installed in accordance with the approved landscape plans prepared by a licensed landscape architect.

8. Fences and Walls

Fences, hedges and walls shall be in accordance with the Newport Beach Municipal Code Property Development Standards. Such elements shall not exceed forty-two (42) inches in height within the front setback. Where a nonresidential zoning district abuts a residential zoning district, a solid masonry wall a minimum of six (6) feet in height shall be required per the Newport Beach Municipal Code Property Development Standards Section 20.30.040.

9. Lighting – Outdoor

All new outdoor lighting shall be designed, shielded, aimed, located and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical

engineer. All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans.

11. Lighting – Parking & Walkways

All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans. Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining uses/properties and roadways.

Parking lots and walkways accessing buildings shall be illuminated with a minimum of 0.5 foot-candle average on the driving or walking surface. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical engineer.

If the applicant wishes to deviate from this lighting standard, a lighting plan may be prepared by the applicant and submitted to the Community Development Director for review and approval.

12. Parking Areas

Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas of the parking lots shall be kept free of dust, graffiti, and litter. All components of the parking areas including striping, paving, wheel stops, walls, and light standards of the parking lots shall be permanently maintained in good working condition. Access, location, parking space and lot dimensions, and parking lot improvements shall be in compliance with the Development Standards for Parking Areas Section of the Newport Beach Municipal Code.

13. Sewage Disposal

Sewage disposal service facilities for the PCDP will be provided by the City of Newport Beach and shall be subject to applicable regulations, permits and fees as prescribed by the City.

14. Screening of Mechanical Equipment

All new mechanical appurtenances (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers, utility vaults and emergency power generators) shall be screened from public view and adjacent land uses. The enclosure design shall be approved by the Community Development Department. All rooftop equipment (other than vents, wind turbines, etc.) shall be architecturally treated or screened from off-site views in a manner compatible with the

building materials prior to final building permit clearance for each new or remodeled building. The mechanical appurtenances shall be subject to sound rating in accordance with the Exterior Noise Standards Section of the Newport Beach Municipal Code. Rooftop screening and enclosures shall be a maximum of 35'-4" feet above finished grade in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

16. Temporary Structures and Uses

Temporary structures and uses, including modular buildings for construction-related activities are permitted.

17. Trash Container Storage for Residential Dwellings

Trash container storage shall be located within each individual dwelling unit in a designated storage area. Trash collection will occur along the interior driveway of the Lido Villas property and will be provided by the City of Newport Beach. Each unit will place their trash along the edge of the interior driveway for collection.

18. Water Service

Water service to the PCDP will be provided by the City of Newport Beach and will be subject to applicable regulations, permits and fees as prescribed by the City.

3.0 LAND USE AND DEVELOPMENT REGULATIONS

3.1. LIDO VILLAS

Refer to Exhibit A - Conceptual Site Plan for the general location and placement of the townhomes.

1. Number of Units

The maximum allowable number of single-family residential units shall be twenty three (23) at a density of 20 dwelling units/ gross acre.

2. Permitted Uses

- a. Condominiums
- b. Recreation facilities ancillary to residential uses
- c. Parking lots

3. Prohibited Uses

- a. Telecommunications facilities

4. Development Standards

The following development standards shall apply to the townhomes:

- a. Lot Area
The minimum lot size shall be 1 acre.

- b. Floor Area per Unit
2,400 sq ft minimum
3,200 sq ft maximum

- c. Building Area

The maximum allowable gross floor area for the Lido Villas townhomes shall be 63,600 square feet consistent with original project approval.

d. Building Height

The maximum allowable building height for the townhomes shall be 31 feet 10 inches, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

Exceptions to Building Height

Deck railings may exceed the building height limit and shall not exceed 35 feet 4 inches in height, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP. Roof deck railings shall consist of transparent materials such as glass or frosted glass. Accessory structures on the roof deck shall not be permitted to exceed 35' 4", measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

Architectural projections up to 39 feet shall be allowed for an architectural feature encompassing a vaulted ceiling and stairwell in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP. Harbor Units shall be limited to a maximum of 350 SF for this architectural projection and Island Units shall be limited to a maximum of 200 SF of area for this architectural projection up to 39 feet in height.

e. Building Setbacks

Via Lido

- 9 feet, first floor
- 4 feet 5 inches, second floor

Via Malaga

- 7 feet 3 inches, first floor
- 6 feet 6 inches second floor

Via Oporto

- 6 feet, first floor
- 3 feet, second floor

Interior property line to the north

- 5 feet

f. Parking

Two (2) enclosed private parking spaces shall be provided for each unit. ½ uncovered guest parking space shall be provided per unit for a total of 12 guest parking spaces. Each garage shall provide minimum clear interior dimensions of 17 feet 6 inches and shall be accessible to vehicles.

g. Open Space

Common Open Space: 1,725 sq ft of common open space shall be provided for the community at a rate of 75 sq ft per dwelling unit) with a minimum dimension of 15 feet.

Private Open Space: 5 percent of the gross floor area shall be provided as private open space with a minimum width dimension of 6-ft

h. Landscaping

Minimum Landscape Requirements

- Landscaping shall incorporate current street tree species along Via Lido (Gold Medallion Tree, Cassia Leptophylla), Via Malaga (Gold Medallion Tree, Cassia Leptophylla) and Via Oporto (Water Gum, Tristania Laurina).
- Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier.
- Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the City Traffic Engineer.
- All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape and irrigation plans.
- All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris.
- All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
- Landscape planting and irrigation plans and specifications shall be submitted by the applicant for review and approval by the Building Division or Planning Division prior to the issuance of a building permit.

Site landscaping will be in accordance with Chapter 20.36 (Landscaping Standards) of the Zoning Code and Chapter 14.17 (Water-Efficient Landscaping) of the Newport Beach Municipal Code.

Plants shall be adapted to the coastal climate of Newport Beach and appropriate to the specific soil, topographic, and sun/shade conditions of the project site. Drought-tolerant plants shall be used to the maximum extent practicable. Plant species having comparable water requirements shall be grouped together for efficient use of irrigation water. All plant materials shall conform to or exceed the plant quality standards of the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen, or the equivalent. Plant selection shall be harmonious to the character of the project and surrounding projects and shall not be listed as an invasive species by the California Invasive Plant Council.

i. Irrigation Guidelines

An irrigation system shall be installed and shall incorporate appropriate locations, numbers, and types of sprinkler heads and emitters to provide appropriate amounts of water to all plant materials. Application rates and spray patterns shall be consistent with the varying watering requirements of different plant groupings.

Irrigation systems and controls shall include technology that minimizes over watering by either: (a) directly measuring soil moisture levels, plant types, and soil types and adjusting irrigation accordingly; or, (b) receiving weather information on a least a daily basis via satellite or similar transmission and adjusting irrigation accordingly. The irrigation system shall be designed so as to prevent over-watering and minimize overspray and runoff onto streets, sidewalks, driveways, buildings, fences, and windows consistent with water conservation and pollution run-off control objectives.

j. Lighting

Outdoor lighting standards will be in accordance with Section 20.30.070 (Outdoor Lighting) of the Zoning Code. Lighting of building interior common areas, exteriors and parking areas shall be developed in accordance with City Standards and shall be designed and maintained in a manner which minimized impacts on adjacent land uses. Nighttime lighting shall be limited to that necessary for security. The plans for lighting shall be prepared and signed by a licensed

electrical engineer and shall be subject to review and approval of the Community Development Director or their designee.

k. Mechanical Equipment

Mechanical equipment shall not exceed 35 feet 4 inches in height and shall comply with Section 20.30.020 (Buffering and Screening) of the Zoning Code). All mechanical appurtenances on building roof tops and utility vaults shall be screened in a manner meeting the approval of the Director of Planning or their designee.

l. Telephone, Gas and Electrical Service

All “on site” gas lines, electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

m. Grading

Grading of the development area shall be conducted and undertaken in a manner both consistent with applicable grading manual, standards and ordinances of the City of Newport Beach and in accordance with a grading plan approved by the City of Newport Beach Building Division.

n. Outdoor Storage

The exterior of the units shall be maintained in accordance with Section 10.50.020 (Nuisance) of the City of Newport Beach Municipal Code.

3.2 Signs

A. Sign Allowance & Standards

1. If three or more signs are proposed for the development, a sign program for the Lido Villas Planned Community shall be submitted for review and approved by the City of Newport Beach Community Development Director or their designee. Sign allowance and standards will be in accordance with Chapter 20.42 (Sign Standards) of the Zoning Code.

4.0 SITE DEVELOPMENT REVIEW

4.1. Purpose

The purpose of the Site Development Review process is to ensure new development proposals within the Lido Villas Planned Community Development are consistent with the goals and policies of the General Plan, provisions of this Planned Community Development Plan, the Development Agreement and the findings set forth below in subsection 4.3.

4.2 Application

Prior to the issuance of building permits for the proposed project, a site development review shall be required for the Lido Villas Planned Community development in accordance with the applicability, application materials, application fees, review authority, public notice and hearing procedures, findings and decision, minor changes by Director, and expiration and post-decision procedures set forth in Section 20.52.080 (Site Development Reviews) of the Zoning Code.

EXHIBIT A



EXHIBIT "F"**CONDITIONS OF APPROVAL****Site Development Review Conditions**

1. The development shall be in substantial conformance with the approved site plan, floor plans, materials board, and building elevations stamped and dated with the date of this approval. (Except as modified by these conditions of approval.)
2. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
6. Prior to the issuance of building permits, Fair Share Traffic Fees shall be paid for the new dwelling units (currently \$2,359.00 per new additional dwelling unit) in accordance with Chapter 15.38 of the Newport Beach Municipal Code. The applicant shall be credited for the reduction in commercial square footage and the remaining balance shall be charged or credited to the applicant.
7. Prior to issuance of building permits, approval from the California Coastal Commission shall be required for the Coastal Land Use Plan Amendment and Coastal Development Permit for the development of 23 residential dwelling units.
8. The applicant shall comply with all project design features, mitigation measures, and standard conditions contained within the approved mitigation monitoring reporting program (MMRP) of MND SCH No. 2010071050 for the project.
9. Development of the project shall comply with the development standards and requirements of the Lido Villas Planned Community Development Plan and be in substantial conformance with the approved Tentative Tract Map No. 174555 dated May 16, 2013.

10. The floor plans and building envelopes for each residential unit are approved as precise plans, unless revisions are approved by the Community Development Director. Future floor area additions to the building envelopes shall be prohibited. The proposed open patio and deck areas for each unit shall not be permitted to be enclosed and the landscape and common open space areas proposed throughout the development site shall be preserved.
11. A total of 46 enclosed garage parking spaces and 12 ground level guest parking spaces shall be provided within the as illustrated on the approved plans.
12. Prior to the issuance of building permits, the project plans shall provide an 8-foot 2-inch minimum clearance below the second story overhangs above the interior drive aisles. Note that Van Accessible height requirements shall be met within the drive aisles. The plans shall identify the width of the drive aisle around the site that is unconstrained (i.e. open to the sky).
13. Prior to the issuance of building permits, documents/plans shall be submitted demonstrating compliance with the requirements of Chapter 14.17 (Water-Efficient Landscaping Ordinance) of the Municipal Code. Plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division and the Municipal Operations Department. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor. Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.
14. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
15. Prior to the final of building permits, the applicant shall schedule an inspection by the Planning Division to confirm that all landscaping was installed in accordance with the approved landscape plan
16. Prior to the issuance of building permits, a National Pollutant Discharge Elimination System (NPDES) permit shall be obtained from the Regional Water Quality Control Board (RWQCB) for the proposed construction activities.

17. Water leaving the project site due to over-irrigation of landscape shall be minimized. If an incident such as this is reported, a representative from the Code and Water Quality Enforcement Division shall visit the location, investigate, inform and notice the responsible party, and, as appropriate, cite the responsible party and/or shut off the irrigation water.
18. Water should not be used to clean paved surfaces such as sidewalks, driveways, parking areas, etc. except to alleviate immediate safety or sanitation hazards
19. Prior to the issuance of building permits, the applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Division. The survey shall show that lighting values are one-foot-candle or less at all property lines. Higher lighting levels are subject to the review and approval of the Community Development Director where it can be shown to be in compliance with the purpose and intent of the Outdoor Lighting section of the Zoning Code.
20. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
21. All mechanical appurtenances (e.g. air conditioning, heating ducts and exhaust vents, swimming pool and spa pumps and filters, transformers, utility vaults and emergency power generators) shall be screened from public view and adjacent land uses. All rooftop equipment shall be architecturally treated or screened from off-site views in a manner compatible with the building materials prior to final building permit clearance for each new or remodeled building. The mechanical appurtenances shall be subject to sound rating in accordance with the Section 10.26.025 (Exterior Noise Standards) of the Newport Beach Municipal Code. Rooftop screening and enclosures shall not exceed 35 feet 4 inches above the existing grade.
22. All trash shall be stored within the buildings for residential uses and screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
23. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
Location	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

24. Construction activities shall comply with Section 10.28.040 (Construction Activity-Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
25. Storage outside of buildings in any parking areas, landscape areas, or setback areas shall be prohibited.
26. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
27. A copy of these conditions of approval shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
28. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
29. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
30. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Lido Villas including, but not limited to, Site Development Review No. SD2013-001 and Tract Map No. NT2013-001 (PA2013-146). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the

parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department Conditions

31. Emergency access will be required for the project which will include the drive aisle which runs through the middle of the project. A site plan must be submitted with the architectural drawings which indicate the proposed emergency access roadway. The roadway should also include locations of existing and proposed fire hydrants, and how the fire lane will be marked, "No Parking Fire lane". Please refer to Newport Beach Guideline C.01 and C.02 for fire lane requirements and approved marking of fire lane.
32. Automatic fire sprinklers shall be required for all new construction. The sprinkler system shall be monitored by a UL certified alarm service company. A sprinkler system NFPA 13R is proposed. Each unit will have its individual riser.
33. Fire Department connections are required to be located within 150 feet of a public hydrant.
34. Smoke detectors are required and are to be located as per the California Building Code.

Building Division Conditions

35. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
36. Prior to the issuance of building permits, a minimum of three ADA units shall be provided with one ADA unit for each type of unit.
37. Prior to the issuance of building permits, accessible parking shall be provided within the common parking area.
38. Prior to the issuance of building permits, an accessible route from the public sidewalk, street, public transportation, parking and passenger loading shall be clearly identified, and accessible parking shall be shown on the final approved site plan. Accessible signage shall be clearly noted on the plan check submittal.
39. Prior to the issuance of building permits, a 3-foot landing shall be provided on each side of the upper level door serving the roof deck.

40. Egress from the roof deck shall comply with the applicable code. The floor area of the roof deck shall be included for the purpose of egress analysis.
41. Prior to the issuance of building permits, mechanical units shall comply with sound rating requirements.
42. Spa weight shall be considered in the lateral loading for the building. Where the railing is less than 3 feet from edge of roof deck, the railing shall be 42 inches above the spa edge.
43. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage car pooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10 percent soil moisture content in the top 6-inch surface layer, subject to review/discretion of the geotechnical engineer.

44. Prior to the issuance of grading permits, a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to comply with the General Permit for Construction Activities shall be prepared, submitted to the State Water Quality Control Board for approval and made part of the construction program. The

project applicant will provide the City with a copy of the NOI and their application check as proof of filing with the State Water Quality Control Board. This plan will detail measures and practices that will be in effect during construction to minimize the project's impact on water quality.

45. Prior to issuance of grading permits, the applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the proposed project, subject to the approval of the Building Division and Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.
46. A list of "good house-keeping" practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.

Tract Map Conditions

47. Prior to the issuance of building permits, Park Fees shall be paid for the 23 new dwelling units (currently \$26,125.00) in accordance with City Council Resolution No. 2007-30.
48. Prior to the issuance of building permits, an In-Lieu Housing fee for 23 new dwelling units (currently \$26,359.00 per new additional dwelling unit) shall be paid in accordance with City Council Resolution No. 2010-44.
49. A parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAVD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange county Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD standards. Scanned images will not be accepted.**
50. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Section's 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual,

Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.

51. All improvements shall be constructed as required by Ordinance and the Public Works Department.
52. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Via Oporto, Via Malaga, and Via Lido frontages.
53. All existing drainage facilities in the public right-of-way, including the existing curb drains along Via Oporto, Via Malaga, and Via Lido frontage shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements.
54. Via Malaga and Via Oporto are part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.TR.
55. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
56. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanouts shall be installed with a traffic-grade box and cover. Water meter and the sewer cleanout shall be located within the public right-of-way or public utilities easement.
57. An encroachment permit is required for all work activities within the public right-of-way.
58. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130. Proposed accent palm landscaping at the corner of Via Malaga and Via Oporto does not meet STD-110-L.
59. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
60. All on-site drainage shall comply with the latest City Water Quality requirements.
61. The new public utilities easement shall be aligned with the corner of the units' overhang to allow water meters to be as close to the unit and out of large vehicular traffic. Each sewer lateral shall have a corresponding sewer cleanout

per STD-406-L. Sewer cleanouts and water meters shall be placed along the edge and within the utilities easement.

62. AMR (Automated Meter Reading) water meters shall be installed at owner's cost.
63. Project shall maintain a looped system through the project site. The water line shall connect to the 6-inch main Via Malaga.
64. Service lines shall be a minimum of 10 inches and City does not permit half sized lines.
65. Irrigation and meter fire service, if proposed, shall be protected by a City approved backflow assembly.
66. Lampholes shall be installed at all main line dead ends.
67. All unused sewer laterals shall be capped at property line.
68. All unused water services shall be capped at main (corporation stop).
69. No trees shall be planted within public utilities easement.
70. Water and sewer mains shall have a minimum separation of 10 feet.
71. Water services and sewer laterals shall have a minimum separation of 5 feet.
72. A total of 30 on-street parking spaces shall be maintained around the project site. To maintain the existing number of parking spaces, relocation of the existing fire hydrant on Via Malaga is necessary, as well as, shifting the three parking spaces near the corner of Via Malaga toward Via Lido.
73. The relocation of the project driveway on Via Oporto will require a street light relocation. Install a new street light per City Standard. New street lights shall match the existing street lights in the surrounding area.
74. Remove all non-standard improvements within the public right-of-way (i.e. non-standard sidewalks and brick paving). Reconstruct the improvements per City Standard.
75. Edison vents along Via Malaga shall be relocated as part of the proposed project. One vent is located within the project's proposed driveway.
76. ADA compliant sidewalks are required around the proposed project. In constrained areas (i.e. meter posts, street lights, Edison vents, fire hydrants, proposed planter boxes, curb ramps, etc.), pedestrian easements may be required to accommodate ADA path of travel (4-foot-wide minimum).

77. Any non-standard improvements within the easement areas requires an Encroachment Agreement with the City.
78. Construct a new ADA curb ramp at the corners of Via Malaga/Via Lido and Via Malaga/Via Oporto per City Standard STD-181-L. An easement for sidewalk purposes may be required to accommodate an ADA compliant curb ramp at the Via Malaga/Via Oporto intersection.
79. Tree types and sizes shall be clearly identified on plans.
80. County Sanitation District fees shall be paid prior to the issuance of any building permits.
81. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division. Building permits for structures located across the existing property lines shall not be issued until the tract map has been recorded.
82. Subsequent to recordation of the Tract Map, the applicant shall apply for a building permit for description change of the subject project development from “duplex” to “condominium.” **The development will not be condominiums until this permit is finalized.** The building permit for the new construction **shall not be finalized until after recordation of the Tract Map.**
83. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than 4 inches in height with a one-inch-wide stroke. The Planning Department Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
84. Tentative Tract Map No. 17555 shall expire 24 months from the date of approval pursuant to NBMC Chapter 19.16.010, unless an extension is otherwise granted by the City for the period of time provided for in the Development Agreement pursuant to the provisions of California Government Code Section 66452.6(a).

Attachment No. PC 2

Draft Resolution for Denial

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING WITHOUT PREJUDICE GENERAL PLAN AMENDMENT NO. GP2012-005, COASTAL LAND USE PLAN AMENDMENT NO. LC2013-001, ZONING CODE AMENDMENT NO. CA2012-008, SITE DEVELOPMENT REVIEW NO. SD2013-001, AND TENTATIVE TRACT MAP NO. NT2013-001 LOCATED AT 3303 AND 3355 VIA LIDO (PA2012-146)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by DART Development Group, with respect to property located at 3303 and 3355 Via Lido, and legally described as Lots 1201 to 1204 together with that portion of the adjoining alley of Tract 907, as shown on map recorded in Book 28, Pages 25 to 36, inclusive, of miscellaneous maps, records of orange county, California, together with that portion of Lots 4 and 5 of Tract 1117, in the city of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 35, Page 48 of Miscellaneous Maps, records of Orange County, California, together with a portion of the 20.00 foot alley adjoining said Lots 4 and 5 as abandoned by resolution of the City Council of Newport Beach on February 4, 1946, a certified copy of said resolution being recorded March 11, 1946 in Book 1400, Page 149 of Official Records, requesting approval of a General Plan amendment, Coastal Land Use Plan amendment, Zoning Code amendment, site development review, and tentative tract map.
2. The proposed project consists of the demolition of a 3-story commercial building, a single-story church building (First Church of Christ, Scientist), and a 56-space surface parking lot to accommodate the development of 23 townhouse-style multi-family dwelling units on a 1.2 acre site. In order to implement the project, a General Plan amendment, Zoning Code amendment, Coastal Land Use Plan amendment, site development review, and tract map are required. A Mitigated Negative Declaration must also be adopted to evaluate environmental impacts relative to the California Environmental Quality Act (CEQA).
3. The General Plan Land Use Element category of the subject property at 3303 Via Lido is Private Institutions (PI, 0.75 FAR). The General Plan Land Use Element category of the subject property at 3355 Via Lido is Multiple-Unit Residential (RM, 20 du/ac).
4. The requested change of the General Plan designation of 3303 Via Lido is from Private Institutions (PI, 0.75 FAR) to Multiple-Unit Residential (RM, 20 du/ac).
5. Council Policy A-18 requires that proposed General Plan amendments be reviewed to determine if a vote of the electorate would be required. If a project (separately or cumulatively with other projects over a 10 year span) exceeds any one of the following

thresholds, a vote of the electorate would be required if the City Council approves the suggested General Plan Amendment: the project generates more than 100 peak hour trips (AM or PM), adds 40,000 square feet of non-residential floor area, or adds more than 100 dwelling units in a statistical area.

6. This is the fourth General Plan Amendment that affects Statistical Area B5 since the General Plan update in 2006. The amendment results in seven additional dwelling units and there is no change in square-footage of non-residential floor area. The additional floor area results in a decrease of 3.37 A.M. peak hour trips and a decrease of 2.13 P.M. peak hour trips based on the commercial and residential housing trip rates reflected in Council Policy A-18. As none of the thresholds specified by Charter Section 423 are exceeded, no vote of the electorate is required.
7. The subject property is located within the coastal zone. The Coastal Land Use Plan category of 3303 Via Lido is Private Institutions (PI-B) and the Coastal Land Use Plan category of 3355 Via Lido is Multiple-Unit Residential (RM-D).
8. The requested change to the Coastal Land Use designation is consistent with the recommended General Plan Amendment for 3303 Via Lido from Private Institutions (PI-B) to Multiple-Unit Residential (RM-D). The CLUP amendments will not become effective until the amendment to the Coastal Land Use Plan is approved by the Coastal Commission.
9. The Zoning designation of 3303 Via Lido is Private Institutions (PI, 0.75 FAR) and the Zoning designation of 3355 Via Lido is Multi-Unit Residential (RM, 2178).
10. The requested change of the Zoning District designations are for 3303 Via Lido, currently Private Institutions (PI, 0.75 FAR), and 3355 Via Lido, currently Multi-Unit Residential (RM, 2178), to the Lido Villas Planned Community (PC) Zoning District. A waiver of the minimum 10 acres of developed land is requested as part of the establishment of the PC Zoning District. The resulting density under the PC Zoning District would be equivalent to the density allowed under the RM 2178 designation and would allow for a maximum of 23 dwelling units on-site.
11. A public hearing was held on August 22, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

1. Amendments to the General Plan and Coastal Land Use Plan are legislative acts. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments.
2. Code amendments are legislative acts. Neither the City Municipal Code nor State Planning Law set forth any required findings for either approval or denial of such amendments, unless they are determined not to be required for the public necessity and convenience and the general welfare.
3. The future development of the property affected by the proposed amendments will not be consistent with the goals and policies of the Land Use Element of the General Plan and the Coastal Land Use Plan

Site Development Review

A site development review is required for the construction of five or more residential units processed in conjunction with a tentative tract map. The site development review analyzes the project as a whole for compatibility with the site and surrounding land uses.

The Planning Commission may approve a site development review only after making each of the required findings set forth in Section 20.52.080 (Site Development Review). In this case, the Planning Commission was unable to make the required findings based upon the following:

1. The Planning Commission determined, in this case, that the proposed Site Development Review for 23 residential condominium units is not consistent with the legislative intent of Title 20 of the NBMC. The proposed project may prove detrimental to the community.
2. The Planning Commission determined, in this case, that the proposed Site Development Review for 23 residential condominium units is not consistent proposed with the Lido Village Design Guidelines due to the architectural style, façade treatments, and height of the proposed project.
3. The design, location, size, and characteristics of the proposed project are not compatible with the residential and commercial uses in the vicinity. The project may result in negative impacts to residents and businesses in the vicinity and would not be compatible with the enjoyment of the nearby residential properties.

Tract Map

A tentative tract map is requested for residential condominium purposes, to create 23 condominium units. The map would also serve to consolidate six parcels and portions of adjacent vacated alleys into one lot.

The Planning Commission may approve a site development review only after making each of the required findings set forth in Section 19.12.070 (Required Findings for Action on Tentative Maps. In this case, the Planning Commission was unable to make the required findings based upon the following:

1. The Planning Commission determined, in this case, that the proposed map for 23 residential condominium units and associated improvements of the subdivision are inconsistent with the General Plan and the legislative intent of Title 19 of the NBMC. The proposed project may prove detrimental to the community.
2. That the site is not physically suitable for the type and density of development.
3. The design, location, size, and characteristics of the proposed subdivision are not compatible with the surrounding development pattern in the vicinity.
4. That the subdivision does not conform to the adopted policies of California Coastal Commission, Coastal Land Use Plan and policies of Chapter Three of the Coastal Act.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach does hereby deny without prejudice General Plan Amendment No. GP2012-005, Coastal Land Use Plan Amendment No. LC2013-001, Zoning Code Amendment No. ZA2012-008, Site Development Review No. SD2013-001, and Tentative Tract Map No. NT2013-001(PA2012-146).
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF AUGUST, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Bradley Hillgren, Chairman

BY: _____
Kory Kramer, Secretary

Attachment No. PC 3

Section 423 Analysis Table

Address	Description	Current GP	Current density	Current Intensity/floor area	Existing Traffic Land Use Description	Existing AM	Existing PM	Proposed GP	Proposed density	Proposed Intensity/Floor Area	Proposed Traffic Land Use Description	Proposed AM	Proposed PM	AM Change	PM Change	Total du changes	Total square footage changes
PREVIOUSLY APPROVED GENERAL PLAN AMENDMENT NO. GP2010-005 - STATISTICAL AREA B5																	
2102 W. Ocean Front (Map ID 4)	6,713-square-foot lot fully developed with a two-story 11-room hotel The Dorymans Inn	MU-W2	4	3356.5	#220 - Apartment (0.51AM/0.62PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	12.11	15.91	CV 0.5	0	3,357	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	10.07	13.43	-2.04	-2.48	-4	0
2306 W. Ocean Front (Map ID 6)	3,750-square-foot lot is fully developed with a 15-room hotel The Newport Beachwalk Hotel	MU-W2	1	1875	#220 - Apartment (0.51AM/0.62PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	6.14	8.12	CV 0.5	0	1,875	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	5.63	7.50	-0.51	-0.62	-1	0
3366 Via Lido (Map ID 2)	21,576-square-foot lot is fully developed with a two-story office building and a parking lot	RM	9	0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	3.96	4.86	MU-W2	13	15,103	#220 - Apartment (0.51AM/0.62PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	51.94	68.47	47.9796	63.6128	4	15,103
Lido Peninsula																	
670 Lido Park Dr. (Map ID 7a)	33,050-square-foot lot is fully developed with restaurants/shops on Rhine	MU-W3	unallocated, part of Lido Peninsula subtotal	unallocated, part of Lido Peninsula subtotal	see Lido Peninsula subtotal below	included in Lido Peninsula subtotal	included in Lido Peninsula subtotal	CM 0.5	0	16,525	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	49.6	66.1	NA	NA	NA	NA
700 Lido Park Dr. (Map ID 7b)	34 dwelling units on a 88,546-square-foot lot	MU-W3	unallocated, part of Lido Peninsula subtotal	unallocated, part of Lido Peninsula subtotal	see Lido Peninsula subtotal below	included in Lido Peninsula subtotal	included in Lido Peninsula subtotal	RM 34 du	34	0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	15.0	18.4	NA	NA	NA	NA
710 Lido Park Dr. (Map ID 7c)	200+ dwelling units on an approximate 386,347 square-foot site	MU-W3	unallocated, part of Lido Peninsula subtotal	unallocated, part of Lido Peninsula subtotal	see Lido Peninsula subtotal below	included in Lido Peninsula subtotal	included in Lido Peninsula subtotal	RM 217 du	217	0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	95.5	117.2	NA	NA	NA	NA
101-351 Shipyard Way (Map ID 7d)	Shipyard, marine facilities, commercial on approximately 527,182 square-foot site	MU-W3	unallocated, part of Lido Peninsula subtotal	unallocated, part of Lido Peninsula subtotal	see Lido Peninsula subtotal below	included in Lido Peninsula subtotal	included in Lido Peninsula subtotal	CM (anomaly #78)	0	139,840	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	419.5	559.4	NA	NA	NA	NA
Lido Peninsula subtotal			251	156,365	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	579.5	761		251	156,365		579.5	761.0	0	0	0	0
PREVIOUSLY APPROVED GENERAL PLAN AMENDMENT NO. GP2011-003 - STATISTICAL AREA B5																	
3363, 3369, 3377 Via Lido and 3378 Via Oporto	8,106 square-foot lot is fully developed with a 4,105 square-foot commercial building	RM	3	0	#220 - Apartment (0.51 AM & 0.62 PM trips per Dwelling Unit)	1.53	1.86	MU-V	4	4,053.00	#220 - Apartment (0.51 AM & 0.62 PM trips per unit) & Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	14.20	18.69	12.67	16.83	1	4,053.00
PREVIOUSLY APPROVED GENERAL PLAN AMENDMENT NO. GPA2011-010 - STATISTICAL AREA B5																	
200 30th Street	2,735 square-foot lot developed with a 1,175 square-foot commercial building	RT	2		#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	0.88	1.08	CV 0.5	0	1,187.50	Commercial blended rate per Council Policy A-18 (3.0 AM & 4.0 PM trips per 1,000sf)	3.56	4.75	2.68	3.67	2	1,187.50
Previous Amendments Total (100%)			270	161,597		604	793		268	181,940.2		665	874	60.78	81.01	2	20,344
80% of Previous Amendments														48.63	64.81	2	16,275
PROPOSED GENERAL PLAN AMENDMENT NO. GPA2012-005 - STATISTICAL AREA B5																	
3303 Via Lido	7 dwelling units on a 17,236-square-foot site (part of a larger project consisting of 23 units on a 52,099-square-foot site)	PI	0.75 FAR	8,961	#560 - Church (0.72 AM & 0.66 PM trips per 1,000 sf)	6.45	5.91	RM 7 du	7	0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	3.08	3.78	0	0	7	0
Total for 80% of previous amendments and proposed amendment														48.63	64.81	9	16,274.96
VOTE														No	No	No	No

Attachment No. PC 4

Lido Villas Draft Planned Community Text

LIDO VILLAS

Planned Community Development Plan

Date: May 16, 2013

Adopted _____ Ordinance No. 2013-

TABLE OF CONTENTS

1.0	Introduction and Purpose	3
2.0	General Conditions and Regulations	4
3.0	Land Use and Development Regulations	8
3.1	Lido Villas	8
	1. Number of Units	8
	2. Development Standards.....	8
	a. Lot Area.....	8
	b. Building Area.....	8
	c. Building Height.....	8
	d. Building Setbacks.....	8
	e. Parking.....	9
3.2	Signs.....	9
	A. Sign Allowance & Standards	9
4.0	Site Development Review.....	10
4.1	Purpose	10
4.2	Application	10
4.3	Findings	10
4.4	Contents	11
4.5	Public Hearing – Required Notice.....	11
4.6	Expiration and Revocation Site Plan Review Approvals	12
4.7	Fees.....	12

LIST OF EXHIBITS

Exhibit Name	Exhibit Number
Conceptual Site Plan	A

1.0 INTRODUCTION AND PURPOSE

The Lido Villas Planned Community Development Plan (P) is composed of 23 single family residential townhomes, totaling 63,592 square feet. It is located on the site across from the current City Hall building and bounded by Via Lido, Via Oporto and Via Malaga. The vision laid out in the City's Lido Village Concept Plan is that this parcel is to be part of a vibrant gateway village in the heart of the peninsula. The PCDP has been developed in accordance with the Newport Beach General Plan and is consistent with the Local Coastal Land Use Plan.

The purpose of this PCDP is to provide for the classification and development of coordinated, cohesive, comprehensive planning project with 23 single-unit residential townhomes called Lido Villas.

Whenever the regulations contained in the PCDP conflict with the regulations of the Newport Beach Municipal Code, the regulations contained in the PCDP shall take precedence. The Newport Beach Municipal Code shall regulate all development within the PCDP when such regulations are not provided within the PCDP Regulations.

2.0 GENERAL CONDITIONS AND REGULATIONS

1. Archaeological/Paleontological Resources

Development of the site is subject to the provisions of City Council Policies K-4 and K-5 regarding archaeological and paleontological resources.

2. Architectural Design

All development shall be designed with high quality architectural standards and shall be compatible with the surrounding uses. The development should be well-designed with coordinated, cohesive architecture and exhibiting a high level of architectural and landscape quality in keeping with the PCDP's prominent location on the Balboa Peninsula. Massing offsets, variation of roof lines, varied textures, openings, recesses, and design accents on all building elevations shall be provided to enhance the architectural style. Architectural treatments for all ancillary facilities shall be provided.

3. Building Codes

Construction shall comply with applicable provisions of the California Building Code and the various other mechanical, electrical and plumbing codes related thereto as adopted by the Newport Beach Municipal Code.

4. Flood Protection

Development of the subject property will be undertaken in accordance with the flood protection policies of the City.

5. Grading and Erosion Control

Grading and erosion control measures shall be carried out in accordance with the provisions of the Newport Beach Excavation and Grading Code and shall be subject to permits issued by the Community Development Department.

6. Gross Floor Area

Gross floor area shall be defined as the total area of a building including the surrounding exterior walls.

7. Height and Grade

The current site design for the proposed project includes 23 townhome units with flat roof and heights that vary between 31 feet 10 inches (top of roof and roof deck), 35'-4" (top of guardrail) and 39' (top of architectural feature and stairwell to the roof, 350 SF of area for the Harbor Unit and 200 SF of area for the Island Unit) measured from existing grade shown on the topographic survey prior to development of the site.

The architectural feature allows for a varied and interesting roofline as well as providing access and privacy to the outdoor living areas on the roof. The height of any structure within the PCDP shall not exceed thirty nine (39) feet, unless otherwise specified. The height of a structure shall be the vertical distance between the highest point of the structure and the grade directly below.

8. Landscaping/Irrigation

Landscaping and irrigation shall be provided in all areas not devoted to structures, parking lots, driveways, walkways, private patios, and common area patios to enhance the appearance of the development, reduce heat and glare, control soil erosion, conserve water, screen adjacent land uses, and preserve the integrity of PCDP. Landscaping and irrigation shall consist of a combination of trees, shrubs, groundcover and hardscape improvements. Landscaping shall be prepared in accordance with the Landscaping Standards and Water-Efficient Landscaping Sections of the Newport Beach Municipal Code and installed in accordance with the approved landscape plans prepared by a licensed landscape architect.

8. Fences and Walls

Fences, hedges and walls shall be in accordance with the Newport Beach Municipal Code Property Development Standards. Such elements shall not exceed forty-two (42) inches in height within the front setback. Where a nonresidential zoning district abuts a residential zoning district, a solid masonry wall a minimum of six (6) feet in height shall be required per the Newport Beach Municipal Code Property Development Standards Section 20.30.040.

9. Lighting – Outdoor

All new outdoor lighting shall be designed, shielded, aimed, located and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical

engineer. All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans.

11. Lighting – Parking & Walkways

All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans. Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining uses/properties and roadways.

Parking lots and walkways accessing buildings shall be illuminated with a minimum of 0.5 foot-candle average on the driving or walking surface. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical engineer.

If the applicant wishes to deviate from this lighting standard, a lighting plan may be prepared by the applicant and submitted to the Community Development Director for review and approval.

12. Parking Areas

Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas of the parking lots shall be kept free of dust, graffiti, and litter. All components of the parking areas including striping, paving, wheel stops, walls, and light standards of the parking lots shall be permanently maintained in good working condition. Access, location, parking space and lot dimensions, and parking lot improvements shall be in compliance with the Development Standards for Parking Areas Section of the Newport Beach Municipal Code.

13. Sewage Disposal

Sewage disposal service facilities for the PCDP will be provided by the City of Newport Beach and shall be subject to applicable regulations, permits and fees as prescribed by the City.

14. Screening of Mechanical Equipment

All new mechanical appurtenances (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers, utility vaults and emergency power generators) shall be screened from public view and adjacent land uses. The enclosure design shall be approved by the Community Development Department. All rooftop equipment (other than vents, wind turbines, etc.) shall be architecturally treated or screened from off-site views in a manner compatible with the

building materials prior to final building permit clearance for each new or remodeled building. The mechanical appurtenances shall be subject to sound rating in accordance with the Exterior Noise Standards Section of the Newport Beach Municipal Code. Rooftop screening and enclosures shall be a maximum of 35'-4" feet above finished grade in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

16. Temporary Structures and Uses

Temporary structures and uses, including modular buildings for construction-related activities are permitted.

17. Trash Container Storage for Residential Dwellings

Trash container storage shall be located within each individual dwelling unit in a designated storage area. Trash collection will occur along the interior driveway of the Lido Villas property and will be provided by the City of Newport Beach. Each unit will place their trash along the edge of the interior driveway for collection.

18. Water Service

Water service to the PCDP will be provided by the City of Newport Beach and will be subject to applicable regulations, permits and fees as prescribed by the City.

3.0 LAND USE AND DEVELOPMENT REGULATIONS

3.1. LIDO VILLAS

Refer to Exhibit A - Conceptual Site Plan for the general location and placement of the townhomes.

1. Number of Units

The maximum allowable number of single-family residential units shall be twenty three (23) at a density of 20 dwelling units/ gross acre.

2. Permitted Uses

- a. Condominiums
- b. Recreation facilities ancillary to residential uses
- c. Parking lots

3. Prohibited Uses

- a. Telecommunications facilities

4. Development Standards

The following development standards shall apply to the townhomes:

- a. Lot Area
The minimum lot size shall be 1 acre.

- b. Floor Area per Unit
2,400 sq ft minimum
3,200 sq ft maximum

- c. Building Area

The maximum allowable gross floor area for the Lido Villas townhomes shall be 63,600 square feet consistent with original project approval.

d. Building Height

The maximum allowable building height for the townhomes shall be 31 feet 10 inches, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

Exceptions to Building Height

Deck railings may exceed the building height limit and shall not exceed 35 feet 4 inches in height, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP. Roof deck railings shall consist of transparent materials such as glass or frosted glass. Accessory structures on the roof deck shall not be permitted to exceed 35' 4", measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP.

Architectural projections up to 39 feet shall be allowed for an architectural feature encompassing a vaulted ceiling and stairwell in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCDP. Harbor Units shall be limited to a maximum of 350 SF for this architectural projection and Island Units shall be limited to a maximum of 200 SF of area for this architectural projection up to 39 feet in height.

e. Building Setbacks

Via Lido

- 9 feet, first floor
- 4 feet 5 inches, second floor

Via Malaga

- 7 feet 3 inches, first floor
- 6 feet 6 inches second floor

Via Oporto

- 6 feet, first floor
- 3 feet, second floor

Interior property line to the north

- 5 feet

f. Parking

Two (2) enclosed private parking spaces shall be provided for each unit. ½ uncovered guest parking space shall be provided per unit for a total of 12 guest parking spaces. Each garage shall provide minimum clear interior dimensions of 17 feet 6 inches and shall be accessible to vehicles.

g. Open Space

Common Open Space: 1,725 sq ft of common open space shall be provided for the community at a rate of 75 sq ft per dwelling unit) with a minimum dimension of 15 feet.

Private Open Space: 5 percent of the gross floor area shall be provided as private open space with a minimum width dimension of 6-ft

h. Landscaping

Minimum Landscape Requirements

- Landscaping shall incorporate current street tree species along Via Lido (Gold Medallion Tree, Cassia Leptophylla), Via Malaga (Gold Medallion Tree, Cassia Leptophylla) and Via Oporto (Water Gum, Tristania Laurina).
- Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier.
- Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the City Traffic Engineer.
- All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape and irrigation plans.
- All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris.
- All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
- Landscape planting and irrigation plans and specifications shall be submitted by the applicant for review and approval by the Building Division or Planning Division prior to the issuance of a building permit.

Site landscaping will be in accordance with Chapter 20.36 (Landscaping Standards) of the Zoning Code and Chapter 14.17 (Water-Efficient Landscaping) of the Newport Beach Municipal Code.

Plants shall be adapted to the coastal climate of Newport Beach and appropriate to the specific soil, topographic, and sun/shade conditions of the project site. Drought-tolerant plants shall be used to the maximum extent practicable. Plant species having comparable water requirements shall be grouped together for efficient use of irrigation water. All plant materials shall conform to or exceed the plant quality standards of the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen, or the equivalent. Plant selection shall be harmonious to the character of the project and surrounding projects and shall not be listed as an invasive species by the California Invasive Plant Council.

i. Irrigation Guidelines

An irrigation system shall be installed and shall incorporate appropriate locations, numbers, and types of sprinkler heads and emitters to provide appropriate amounts of water to all plant materials. Application rates and spray patterns shall be consistent with the varying watering requirements of different plant groupings.

Irrigation systems and controls shall include technology that minimizes over watering by either: (a) directly measuring soil moisture levels, plant types, and soil types and adjusting irrigation accordingly; or, (b) receiving weather information on a least a daily basis via satellite or similar transmission and adjusting irrigation accordingly. The irrigation system shall be designed so as to prevent over-watering and minimize overspray and runoff onto streets, sidewalks, driveways, buildings, fences, and windows consistent with water conservation and pollution run-off control objectives.

j. Lighting

Outdoor lighting standards will be in accordance with Section 20.30.070 (Outdoor Lighting) of the Zoning Code. Lighting of building interior common areas, exteriors and parking areas shall be developed in accordance with City Standards and shall be designed and maintained in a manner which minimized impacts on adjacent land uses. Nighttime lighting shall be limited to that necessary for security. The plans for lighting shall be prepared and signed by a licensed

electrical engineer and shall be subject to review and approval of the Community Development Director or their designee.

k. Mechanical Equipment

Mechanical equipment shall not exceed 35 feet 4 inches in height and shall comply with Section 20.30.020 (Buffering and Screening) of the Zoning Code). All mechanical appurtenances on building roof tops and utility vaults shall be screened in a manner meeting the approval of the Director of Planning or their designee.

l. Telephone, Gas and Electrical Service

All “on site” gas lines, electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

m. Grading

Grading of the development area shall be conducted and undertaken in a manner both consistent with applicable grading manual, standards and ordinances of the City of Newport Beach and in accordance with a grading plan approved by the City of Newport Beach Building Division.

n. Outdoor Storage

The exterior of the units shall be maintained in accordance with Section 10.50.020 (Nuisance) of the City of Newport Beach Municipal Code.

3.2 Signs

A. Sign Allowance & Standards

1. If three or more signs are proposed for the development, a sign program for the Lido Villas Planned Community shall be submitted for review and approved by the City of Newport Beach Community Development Director or their designee. Sign allowance and standards will be in accordance with Chapter 20.42 (Sign Standards) of the Zoning Code.

4.0 SITE DEVELOPMENT REVIEW

4.1. Purpose

The purpose of the Site Development Review process is to ensure new development proposals within the Lido Villas Planned Community Development are consistent with the goals and policies of the General Plan, provisions of this Planned Community Development Plan, the Development Agreement and the findings set forth below in subsection 4.3.

4.2 Application

Prior to the issuance of building permits for the proposed project, a site development review shall be required for the Lido Villas Planned Community development in accordance with the applicability, application materials, application fees, review authority, public notice and hearing procedures, findings and decision, minor changes by Director, and expiration and post-decision procedures set forth in Section 20.52.080 (Site Development Reviews) of the Zoning Code.

EXHIBIT A



Attachment No. PC 5

Mitigated Negative Declaration No. ND2013-001

(Available separate due to bulk)

<http://www.newportbeachca.gov/index.aspx?page=1347>

Attachment No. PC 6

Letters from Advising Agencies

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR. Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceanside, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



August 12, 2013

Makana Nova, Assistant Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

**Re: Lido Villas Project
Mitigated Negative Declaration (SCH# 2013071050)**

Dear Ms. Nova,

Thank you for the opportunity to review the Mitigated Negative Declaration Report for the Lido Villas Project in the City of Newport Beach. According to the Mitigated Negative Declaration Report, the proposal includes the demolition of an existing office building, church building, church reading room and associated site improvements on a 1.2 acre property (3303 and 3355 Via Lido) located at the northwestern intersection of Via Lido and Via Malaga and construction of 23 new townhouse style condominiums and associated landscaping, drive aisles, and parking. The project also includes the following: 1) amending the General Plan to change the existing land use designation for the property at 3303 Via Lido from Private Institution (PI) to Multiple Unit Residential (RM); 2) amending the Zoning Code to change the existing designations for the two properties from Private Institution (PI) (3303 Via Lido) and RM (Multiple Unit Residential) (3355 Via Lido) to PC (Planned Community); 3) amending the Coastal Land Use Plan to change the existing Coastal Land Use Plan designation for the property at 3303 Via Lido from Private Institution (PI) to Multiple Unit Residential (RM-D); 4) Site Development Review; and 5) a Tentative Tract Map.

The proposed project is located within the Coastal Zone in the City of Newport Beach. The proposed development will require amendments to the City's Coastal Land Use Plan and a Coastal Development Permit from the California Coastal Commission.

The following comments address the issue of the proposed project's consistency with the Chapter 3 policies of the California Coastal Act of 1972. The comments contained herein are preliminary and those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself. As described below, the proposed project raises issues related to land use and visual impacts.

The following are comments by Commission staff on the Mitigated Negative Declaration Report.

Mitigated Negative Declaration Report
Lido Villas Project
Page 2 of 3

LAND USE

Section 30213 of the Coastal Act requires the protection and encouragement of lower cost visitor and recreational facilities and gives preference to such development. Section 30222 of the Coastal Act places a priority on visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation, which have priority over private residential, general industrial and general commercial development. The proposed land use and zoning amendments would result in a complete residential development for the site, which is a lesser priority use in the Coastal Act. Lower cost coastal recreation opportunities, such as parks, open space, lower cost overnight accommodations such as hostels, etc. that provide opportunities for the public to enjoy the coast are higher priority uses in the Coastal Act. Thus, the Commission staff requests that an alternatives discussion be included in the Mitigated Negative Declaration Report discussing other potential lower cost coastal recreation uses on site, including higher priority uses consistent with the Coastal Act such as, parks, open space, hostels, etc.

Many times in the Mitigated Negative Declaration Report, reference is made to the *Lido Village Design Guidelines*, which the report states will assist in site development. Please be aware that this document has not been reviewed nor certified by the Commission. The proposed project must be consistent with the Chapter 3 policies of the California Coastal Act of 1976, with the City's certified Coastal Land Use Plan used as guidance.

VISUAL IMPACTS

The Mitigated Negative Declaration Report states that buildings proposed as part of the project would be a maximum of 35-feet 4 inches in height, with architectural projections up to 39-feet. The project site is located within the Shoreline Height Limitation Zone. Policy 4.4.2-1 of the Coastal Land Use Plan currently limits development in the Shoreline Height Limitation Zone to a 35-foot height limit. The policy does not allow for exceptions to the height limitation. Any change to the height limit in the Shoreline Height Limitation Zone would require an amendment to Policy 4.4.2-1 of the Coastal Land Use Plan. However, the proposed project does not include an amendment to the policy. Why can't the project be developed to be consistent with the allowable height limit in the Shoreline Height Limitation Zone? A change to the height limit policy raises significant concerns regarding adverse impacts to public views and consistency with community character and needs to be thoroughly analyzed and included in the Mitigated Negative Declaration.

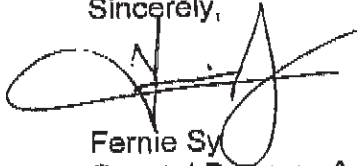
Commission staff wouldn't want the City and/or potential private entity to invest significantly in a proposal that may be profoundly at odds with the policies of the Coastal

Mitigated Negative Declaration Report
Lido Villas Project
Page 3 of 3

Act. Given the concerns raised above regarding both the land use and allowable height, we strongly encourage the City to complete processing its amendments to the Coastal Land Use Plan with the Commission before any specific project is contemplated on the project site. The outcome of that process could fundamentally change/effect the type of development the Commission would find to be appropriate at the site under the Coastal Act.

Thank you for the opportunity to comment on the Mitigated Negative Declaration Report for the Lido Villas Project. Commission staff request notification of any future activity associated with this project or related projects. Please note, the comments provided herein are preliminary in nature. Additional and more specific comments may be appropriate as the project develops into final form and when an application is submitted for Coastal Land Use Plan Amendments and Coastal Development Permit. Please feel free to contact me at 562-590-5071 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fernie Sy', with a large, stylized flourish extending from the end of the signature.

Fernie Sy
Coastal Program Analyst II

Cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2000

FAX (949) 724-2019

TTY 711

www.dot.ca.gov

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COMMUNITY

AUG 06 2013

DEVELOPMENT
CITY OF NEWPORT BEACH

August 1, 2013

Makana Nova
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

File: IGR/CEQA
SCH#: 2013071050
Log #: 3325
SR-55

Dear Ms. Nova:

Thank you for the opportunity to review and comment on the **Mitigated Negative Declaration for the Lido Villas** project. The project applicant, Dart Development Group, proposes to demolish an office building, church building, and church reading room and construct 23 new townhouse-style condominiums in five clusters on a 1.2-acre property located at the northwestern corner of the intersection of Via Lido and Via Malaga in the City of Newport Beach. The nearest state transportation facility to the project site is SR-55.

The Department of Transportation (Department) is a commenting agency on this project and has no comment at this time. However, in the event of any activity in the Department's right of way, an encroachment permit will be required.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2241.

Sincerely,

A handwritten signature in blue ink that reads "Maureen El Haraque".

MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

Enclosure (if needed)

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard
West Sacramento, CA 95691
(916) 373-3715
(916) 373-5471 – FAX
e-mail: ds_nahc@pacbell.net

July 29, 2013

Ms. Makana Nova, Project Planner

City of Newport Beach

100 Civic Center Drive
Newport Beach, CA 92660

RECEIVED BY
COMMUNITY

AUG 01 2013

DEVELOPMENT
CITY OF NEWPORT BEACH

RE: SCH#2013071050; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "Lido Villas Project;" located in the City of Newport Beach; Orange County, California

Dear Ms. Nova:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a

separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

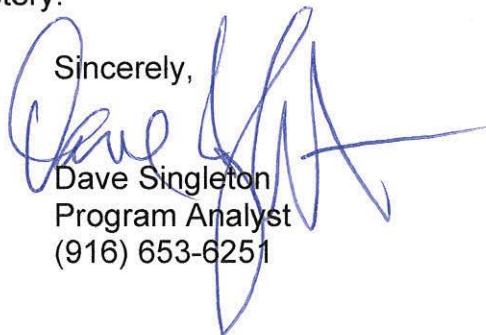
A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed activity might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dave Singleton', is written over the typed name and title.

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

**Native American Contacts
Orange County
July 29, 2013**

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675 m
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva

tattnlaw@gmail.com
310-570-6567

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel, CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles, CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower, CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana, CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071050; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Lido Villas Project, a Mixed-Use Development located in the City of Newport Beach; Orange County, California.

**Native American Contacts
Orange County
July 29, 2013**

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrielinotribe.org

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003

760-636-0854 - FAX

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071050; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Lido Villas Project, a Mixed-Use Development located in the City of Newport Beach; Orange County, California.



1919 S. State College Blvd.
Anaheim, CA 92806-6114

A  Semptra Energy utility™

July 20, 2013

City of Newport Beach
100 Civic Center Dr.
Newport Beach, CA 92660

Attention: Makana Nova

Subject: Proposed Mitigated Negative Declaration – Lido Villas Project

This letter is not to be interpreted as a contractual commitment to serve the proposed project but only as an information service. Its intent is to notify you that the Southern California Gas Company has facilities in the area where the above named project is proposed. Gas facilities within the service area of the project could be altered or abandoned as necessary without any significant impact on the environment.

Information regarding construction particulars and any costs associated with initiating service may be obtained by contacting the Planning Associate for your area, Jesse Altamirano, at (714) 634- 3183.

Sincerely,

Armando Torrez
Technical Supervisor
Orange Coast Region- Anaheim

AT/ps
mitnegdc.doc

Attachment No. PC 7

Public Comments

From: Don & Judy Cole [<mailto:lagunahouse@me.com>]

Sent: Thursday, July 18, 2013 5:23 PM

To: Nova, Makana

Cc: Dept - City Council

Subject: Mitigated Declaration for Lido Villas Project

City Planning Commission,

We have reviewed the MND for the Lido Villas Project and feel that while the aesthetics of the project are an improvement and may not degrade the **existing** visual character or quality of the site and it's surroundings, the cumulative effect of this design and architecture in conjunction with the project already under construction at 3388 Via Lido are significant. Contrary to the MND's assertion that the project would comply with the provisions of the City's Lido Village Design Guidelines- including requirements related to architecture and landscaping- the Lido Villas Architectural Rendering as shown in figure 5-6 has absolutely nothing in common with the look that was defined in the Lido Village design guidelines. The only way to mitigate the impact is to require Lido Villas to modify their design to something more in keeping with the Lido Village Design guidelines, but this will be difficult to hand down when the City already approved the modern architectural style of the project underway at 3388 Via Lido. In fact the MNP is using the 3388 project for justification that the Lido Villas are similar in nature and therefore compatible and of minimal impact.

It is very disheartening that huge amounts of time and money were spent by the City, advisory committees and citizens developing these guidelines which were intended to guide future development and foster **cohesive** development within Lido Village. It appears our excitement about the prospects for the renewal of Lido Village was premature. The RD Olson vision for the Lido House Hotel was as right on target with the Lido Village Design guidelines as it could be. We don't understand why Dart Development can't do it too. A hodgepodge of looks and diluted vision does not make for a world class destination or entry to the peninsula.

Thank you,
Don & Judy Cole

Attachment No. PC 8

Site Photos



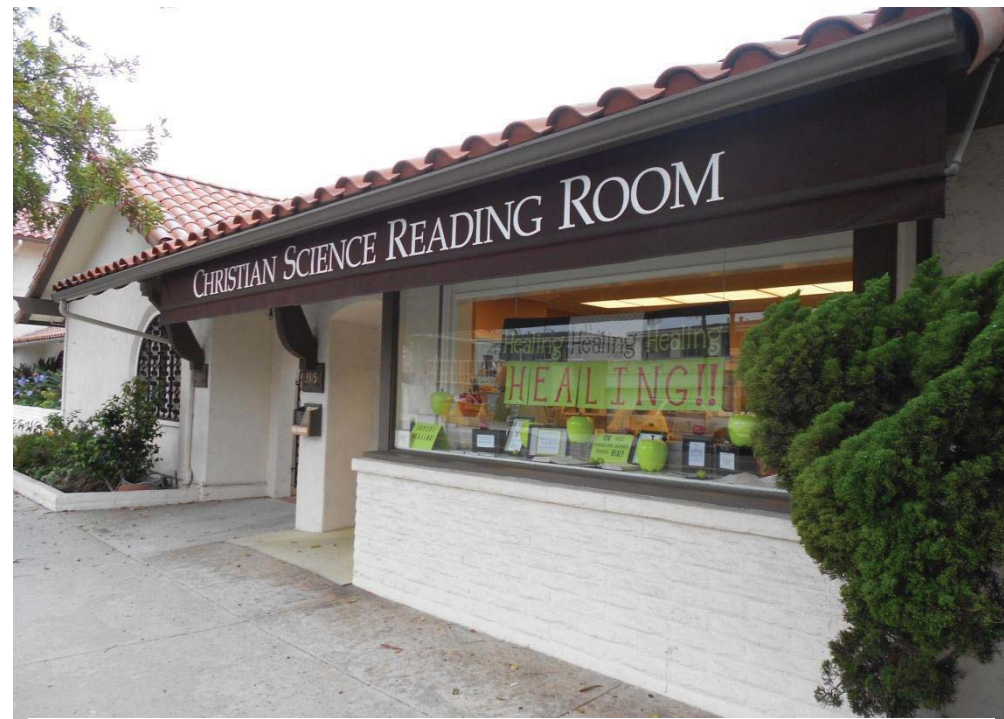
Oblique aerial of the project site facing south



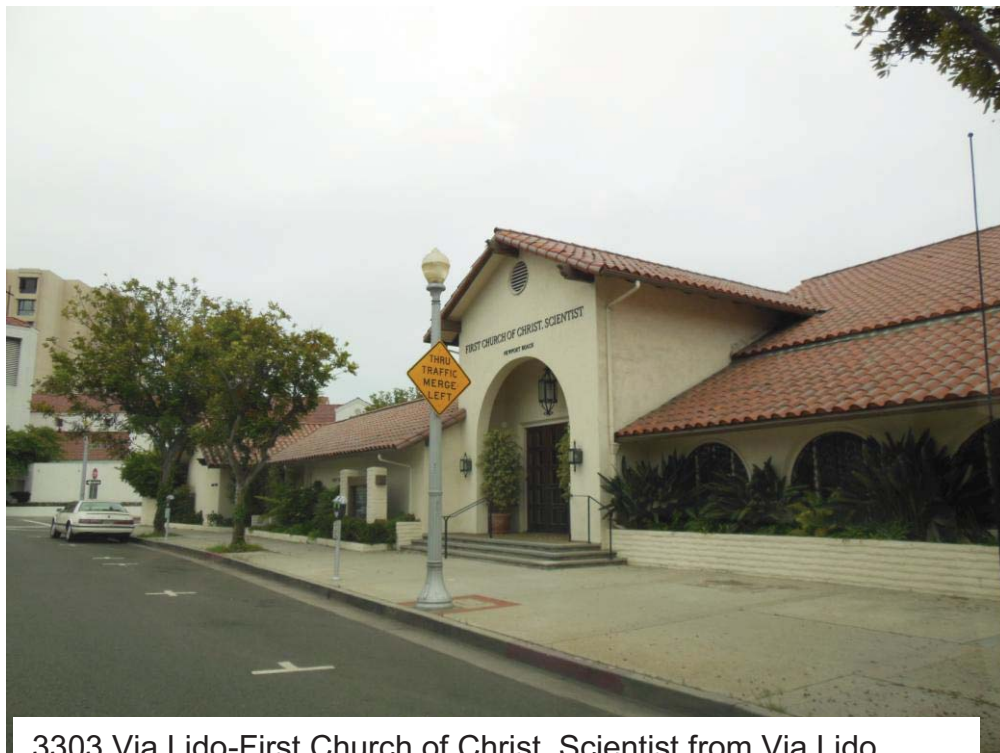
Oblique aerial of the project site facing east



3303 Via Lido-First Church of Christ, Scientist from Via Lido



3303 Via Lido-Christian Science Reading Room from Via Lido



3303 Via Lido-First Church of Christ, Scientist from Via Lido



3303 Via Lido-First Church of Christ, Scientist from Via Malaga



3355 Via Lido-Existing Office/Retail Building from Via Lido



3355 Via Lido-Existing Office/Retail Building from Via Lido



3355 Via Lido-Existing Office/Retail Building from Via Lido



3355 Via Lido-Existing Office/Retail Building from Via Lido



3355 Via Lido-parking area and commercial building from Via Oporto



3355 Via Lido-parking area and commercial building from Via Oporto



3355 Via Lido-parking area and commercial building from Via Oporto

Attachment No. PC 9

Tract Map No. 17555

TENTATIVE TRACT MAP NO. 17555

FOR CONDOMINIUM PURPOSES
IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE
STATE OF CALIFORNIA

EASEMENTS TO BE ABANDONED

1. AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT MAP NO. 907 RECORDED SEPTEMBER 18, 1928 AND ON FILE IN BOOK 28, PAGES 25 TO 36, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.
 2. AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT NO. 1117 RECORDED JANUARY 19, 1946 AND ON FILE IN BOOK 35, PAGE 48, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.
 3. AN EASEMENT FOR GAS PIPES AND MAINS FOR THE PURPOSE OF CONVEYING GAS FOR HEAT AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 20, 1948 BOOK 1622, PAGE 120 OF OFFICIAL RECORDS. IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA
 4. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED MAY 21, 1951 AS BOOK 2191, PAGE 208 OF OFFICIAL RECORDS IN FAVOR OF CITY OF NEWPORT BEACH
 5. AN EASEMENT FOR UNDERGROUND ELECTRIC SYSTEM, CONSISTING OF CONDUITS, WIRES, CABLES, AND A CONCRETE TRANSFORMER VAULT AND INCIDENTAL PURPOSES, RECORDED JULY 25, 1956 AS INSTRUMENT NO. 104257 IN BOOK 3598, PAGE 64 OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
- NOTE: A PARTIAL OUTCLAIM OF SAID EASEMENT WAS RECORDED DECEMBER 13, 1967 IN BOOK 8465, PAGE 177 OF OFFICIAL RECORDS, AFFECTING A PORTION OF SAID LAND.

PROPOSED EASEMENTS

- A. 20' EMERGENCY ACCESS EASEMENT
- B. UTILITY EASEMENT (VARIABLE WIDTH)

LEGEND

- R/W - PROPERTY LINE
- CENTER LINE
- EASEMENT LINE

LEGAL DESCRIPTION

PARCEL A.

LOTS 1201, 1202, 1203 AND 1204, OF TRACT NO. 907, AS PER MAP RECORDED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, TOGETHER WITH THAT PORTION OF THE ALLEY ADJOINING LOTS 1201, 1202, 1203 AND 1204 OF TRACT NO. 907, AS SHOWN ON MAP RECORDED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, AND THAT PORTION OF VIA MALAGA AS SHOWN ON SAID MAP BOTH AS ABANDONED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1201; THENCE SOUTH 0° 44' 30" EAST 17.5 FEET TO THE CENTER LINE OF SAID VIA MALAGA; THENCE SOUTH 89° 15' 30" WEST 10.00 FEET TO THE INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF SAID ALLEY; THENCE NORTH 0° 44' 30" WEST 59.88 FEET ALONG THE CENTER LINE OF SAID ALLEY AND ITS SOUTHERLY PROLONGATION TO AN ANGLE POINT THEREIN; THENCE NORTH 27° 30' 00" WEST TO THE INTERSECTION OF THE CENTER LINE OF SAID ALLEY WITH THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 1204; THENCE NORTH 62° 30' 00" EAST 10.00 FEET TO THE WESTERLY CORNER OF SAID LOT 1204; THENCE SOUTH 27° 30' 00" EAST 95.22 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID LOT 1202; THENCE SOUTH 0° 44' 30" EAST 44.76 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF VIA MALAGA, A STREET WITHIN TRACT NO. 907 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 28, PAGES 25 TO 36 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND VACATED BY RESOLUTION NO. 3280 OF THE CITY COUNCIL OF SAID NEWPORT BEACH, A COPY OF WHICH WAS RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, LYING NORTHERLY OF THE CENTER LINE OF SAID STREETS, AS SHOWN ON SAID MAP AND EASTERLY OF THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF THAT PORTION OF THE ALLEY ADJOINING LOT 1201 OF SAID TRACT NO. 907, AS GRANTED TO THE CITY OF NEWPORT BEACH, A MUNICIPAL CORPORATION IN GRANT DEED RECORDED SEPTEMBER 12, 1956 AS INSTRUMENT NO. 122766 IN BOOK 3641, PAGE 12, OF OFFICIAL RECORDS.

APN: 423-112-02

PARCEL B.

THAT PORTION OF LOTS 4 AND 5 OF TRACT NO. 1117, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGE 48 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH A PORTION OF THE 20.00 FOOT ALLEY ADJOINING SAID LOTS 4 AND 5 AS ABANDONED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SAID 20.00 FOOT ALLEY WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 5; THENCE SOUTH 89° 15' 30" WEST ALONG SAID PROLONGATION AND SAID SOUTHERLY LINE OF LOT 5, A DISTANCE OF 108.40 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 10.00 FEET; THENCE WESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°; A DISTANCE OF 15.71 FEET; THENCE TANGENT TO SAID CURVE NORTH 0° 44' 30" WEST ALONG THE WESTERLY LINE OF SAID LOT 5 AND ITS NORTHERLY PROLONGATION 256.93 FEET TO THE WESTERLY CORNER OF SAID LOT 4; SAID CORNER BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE IN THE WESTERLY LINE OF SAID LOT 4 HAVING A BEARING AND DISTANCE OF NORTH 0° 44' 30" WEST 148.43 FEET; THENCE NORTH 0° 44' 30" WEST ALONG SAID WESTERLY LINE 28.91 FEET; THENCE NORTH 62° 30' EAST 105.11 FEET TO THE EASTERLY LINE OF SAID LOT 4; THENCE SOUTH 27° 30' EAST ALONG SAID EASTERLY LINE OF LOT 4, A DISTANCE OF 160.00 FEET TO THE EASTERLY CORNER OF SAID LOT 4; THENCE SOUTH 62° 30' WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 AND THE SOUTHWESTERLY PROLONGATION THEREOF, A DISTANCE OF 100.00 FEET TO THE CENTERLINE OF SAID 20.00 FOOT ALLEY; THENCE SOUTH 27° 30' EAST ALONG SAID CENTERLINE TO AN ANGLE POINT; THENCE SOUTH 0° 44' 30" EAST ALONG SAID CENTERLINE 42.39 FEET TO THE POINT OF BEGINNING.

APN: 423-112-03

BENCH MARK:

FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED
"N63-17-77" ELEV: 24.503 FEET

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING BETWEEN U.S. HORIZONTAL CONTROL STATION GPS NO. 630192 AND STATION GPS NO. 628762 BEING NORTH 253.531" WEST PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

TRACT AREA (LOT 1):

52,099 SQ. FT. (1.196 ACRES)

OWNER:

NEWPORT BEACH TOWNHOUSE LLLP, A NEVADA LIMITED LIABILITY LIMITED PARTNERSHIP
3120 SOVEREIGN DRIVE, SUITE 43
LANSING, MI 48911
517-525-4900
CONTACT: STEVE MILLS

ADDRESS:

3303-3355 VIA LIDO, NEWPORT BEACH CA.

TAX ASSESSOR'S PARCEL NO.:

PARCEL 1: 423-112-02
PARCEL 2: 423-112-03

FLOOD NOTE:

THE SUBJECT PROPERTY FALLS WITHIN "ZONE X" ON A PORTION OF FLOOD INSURANCE RATE MAP NUMBER 06059C0381J PANEL 0381-J OF 539, EFFECTIVE DECEMBER 3RD, 2009

ZONING & BUILDING SETBACK INFORMATION

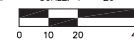
RM MULTI-FAMILY RESIDENTIAL
FRONT: 20 FT
REAR: 10 FT

DATE OF SURVEY:

JUNE 06, 2012



SCALE: 1" = 20'



PLANS PREPARED BY:



27186 BLISSMAN
FOOTHILL RANCH, CA 91010
T: 949.916.3600
F: 949.916.3608
CIVIL
LAND PLANNING & SURVEYING
CVCINC.NET

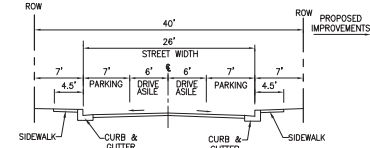
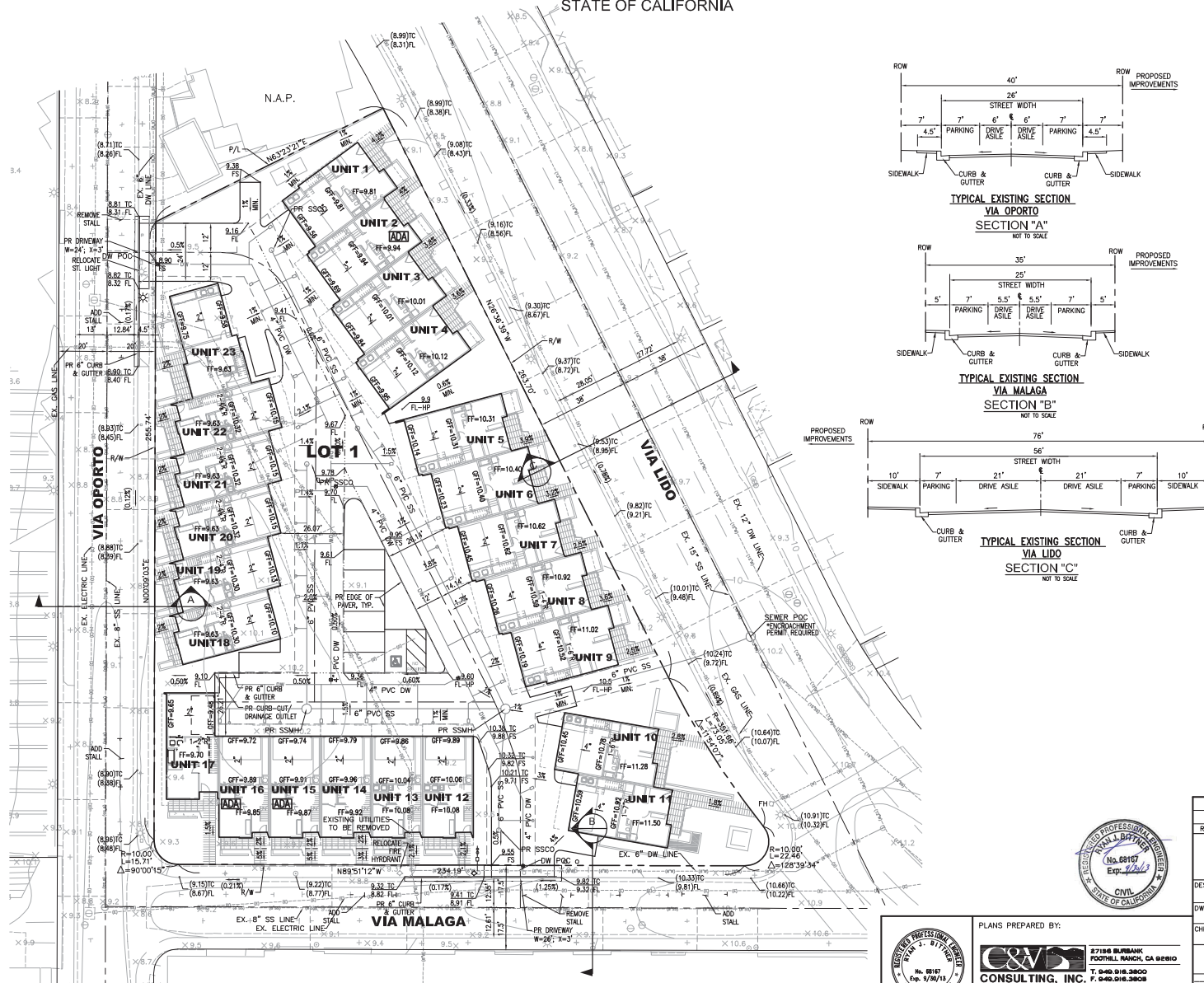
REV.	DATE	DESCRIPTION	BY	CHK.	APPR.
CITY OF NEWPORT BEACH BUILDING DEPARTMENT APPROVAL					
DESIGN: RS					
DWN: JC					
CHK: DM					
R.C.E. _____ EXP. DATE _____					
DATE _____					
SHT. 1 OF 2					
DWS. NO.					

3355 & 3303 VIA LIDO
MULTI-FAMILY PROJECT
TENTATIVE TRACT MAP 17555

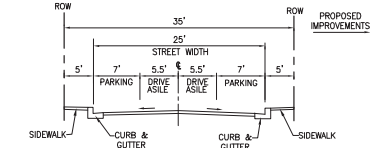
02/2013

TENTATIVE TRACT MAP NO. 17555

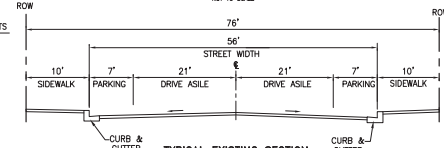
FOR CONDOMINIUM PURPOSES
IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE
STATE OF CALIFORNIA



TYPICAL EXISTING SECTION
VIA OPORTO
SECTION "A"
NOT TO SCALE



TYPICAL EXISTING SECTION
VIA MALAGA
SECTION "B"
NOT TO SCALE



TYPICAL EXISTING SECTION
VIA LIDO
SECTION "C"
NOT TO SCALE

ABBREVIATIONS:

~C	CENTER LINE	MIN	MINIMUM
CB	CATCH BASIN	MISC	MISCELLANEOUS
DW	DOMESTIC WATER	MH	MANHOLE
EX	EXISTING	POC	POINT OF CONNECTION
FG	FINISHED GRADE	PR	PROPOSED
FL	FLOW LINE	R/W	RIGHT OF WAY
FS	FINISHED SURFACE	SD	STORM DRAIN
GB	GRADE BREAK	SF	SQUARE FEET
HP	HIGH POINT	SS	SANITARY SEWER

LEGEND

- PROPOSED CURB AND GUTTER
- PROPOSED SIDEWALK
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- PROPOSED STORM DRAIN LINE
- CENTER LINE
- PROPERTY LINE
- EXISTING CURB AND GUTTER
- EXISTING SIDEWALK
- EXISTING SEWER LINE
- EXISTING WATER LINE
- EXISTING STORM DRAIN LINE
- EXISTING GAS LINE
- EXISTING TELEPHONE LINE
- EXISTING ELECTRIC LINE
- EXISTING VALVE
- EXISTING MANHOLE
- EXISTING CONTOUR
- FIRE HYDRANT
- STREET LIGHT



SCALE: 1" = 20'
0 10 20 40

02/2013

REV.	DATE	DESCRIPTION	BY	CHK.	APPR.
CITY OF NEWPORT BEACH BUILDING DEPARTMENT APPROVAL					
DESIGN	JC	3355 & 3303 VIA LIDO			
DWN.	JC	MULTI-FAMILY PROJECT			
CHK.	DM	TENTATIVE TRACT MAP 17555			
CITY ENGINEER			DATE		SH. 2 OF 2
R.C.E. EXP. DATE			DWS. NO.		



PLANS PREPARED BY:



37188 BURBANK
FOOTHILL RANCH, CA 91103
T: 949.916.3800
F: 949.916.3808
CIVIL
CIVIL ENGINEERING
LAND PLANNING & SURVEYING
CVCINC.NET

Attachment No. PC 10

Project Plans

3355 & 3303 VIA LIDO - PLANNED COMMUNITY DEVELOPMENT PLAN

MAY 16, 2013

SHEET INDEX:

D-0 TITLE SHEET AND PROJECT INFORMATION
C-1 EXISTING SURVEY
C-2 EXISTING SURVEY
C-3 PROPOSED GRADING PLAN
D-1 EXISTING BUILDING PHOTOGRAPHY
D-2 EXISTING CONTEXT SITE PHOTOGRAPHY
D-3 PROPOSED SITE PLAN
D-4 PROPOSED SITE ROOF PLAN
D-5 PROPOSED SITE ELEVATIONS
D-6 PROPOSED SITE SECTIONS
D-7 PROPOSED UNIT PLANS AND ELEVATIONS
D-8 PROPOSED UNIT PLANS AND ELEVATIONS
D-9 PROPOSED UNIT PLANS AND ELEVATIONS
D-10 PROPOSED UNIT PLANS AND ELEVATIONS
D-11 PROPOSED UNIT PLANS AND ELEVATIONS
D-12 PROPOSED UNIT PLANS AND ELEVATIONS
D-13 PROPOSED UNIT PLANS AND ELEVATIONS
D-14 PROPOSED UNIT SECTIONS
D-15 NET AREA CALCULATIONS
D-16 GROSS AREA & FAR CALCULATIONS
D-17 SITE DIAGRAMS
L-1 LANDSCAPE SITE PLAN
L-2 LANDSCAPE ENLARGEMENTS
L-3 LANDSCAPE ENLARGEMENTS
L-4 LANDSCAPE ENLARGEMENTS
L-5 LANDSCAPE PLANTING PLAN
L-6 PLANT PALETTE
L-7 PLANT PALETTE
L-8 OPEN SPACE CALCULATIONS
C-4 PROPOSED UTILITY PLAN
C-5 HOSE PULL HYDRANT PLAN

FIRE DEPARTMENT NOTES:

- FIRE SPRINKLERS WITH SEPARATE UTILITIES FOR EACH UNIT WILL BE REQUIRED FOR THE PROJECT.
- SPRINKLER SYSTEM TO BE TYPE 13.5 MIN FOR MULTIFAMILY.
- FIRE DEPARTMENT CONNECTIONS ARE REQUIRED TO BE LOCATED WITHIN 150 FT OF A PUBLIC HYDRANT.
- SMOKE DETECTORS ARE REQUIRED AND ARE TO BE LOCATED AS PER CALIFORNIA BUILDING CODE.
- FOR R-2 OCCUPANCIES WHERE ANY DWELLING UNIT OR SLEEPING UNIT IS LOCATED 3 STORIES ABOVE THE LOWEST LEVEL OF DISCHARGE, INSTALL A MANUAL FIRE ALARM SYSTEM THAT ACTIVATES THE OCCUPANT NOTIFICATION SYSTEM IN ACCORDANCE WITH SECTION 907.6.
- EMERGENCY ACCESS SHALL MEET FIRE LANE MARKING REQUIREMENTS FROM NEWPORT BEACH GUIDELINES C-01 AND C-02.
- ACCESS ROADS MUST BE CONSTRUCTED OF A MATERIAL THAT PROVIDES AN ALL WEATHER DRIVING SURFACE AND CAPABLE OF SUPPORTING 72,000 POUNDS IMPOSED LOAD FOR FIRE APPARATUS AND TRUCK OUTRIGGER LOADS OF 75 POUNDS PER SQUARE INCH OVER A TWO FOOT AREA.

ALLOWABLE BUILDING AREA CALCULATIONS PER CBC SEC 506

OCCUPANCY R-2, TYPE II-B = 16,000 SF, 4 STORIES

ALL UNITS AS ONE BUILDING, SPRINKLERED.

$IH = (1128' - 6") \times (1594' - 1") \times .25 \times 25.00 = 0.46 \times 0.83 = 0.38$
 $AI = (16,000 + 16,000 \times 0.38) + (16,000 \times 2) = 54,080 \text{ SF PER STORY}$

PROPOSED TOTAL 2ND FLOOR SF (LARGEST FLOOR)

20,617 SF < 54,080 SF ALLOWABLE PER STORY

54,080 SF X 2 = 108,160 SF TOTAL ALLOWED

59,486 SF PROPOSED < 108,160 SF TOTAL ALLOWED

PROJECT DATA:

3303 AND 3355 VIA LIDO APPLICANT:

PROPERTY OWNER 3303 & 3355 VIA LIDO:

ARCHITECT:

PROJECT ADDRESSES:

APN:

PARCEL MAP:

EXISTING LOT SIZE:

DART DEVELOPMENT GROUP
500 HOGSBACK ROAD
MASON, MI 48854
PHONE: 517 244-2177
FAX: 517 244-2698
CONTACT: STEVE MILLS

NEW PORT BEACH TOWNHOUSE LLLP, A NEVADA LIMITED LIABILITY LIMITED PARTNERSHIP

SHUBIN + DONALDSON ARCHITECTS
3890 LA CUMBRE PLAZA LANE, SUITE 200
SANTA BARBARA, CA 93105
PHONE: 805 682-7000 x 131
FAX: 805 682-7001
CONTACT: SIEGLINDE PUKKE, AIA

3303 VIA LIDO AND
3355 VIA LIDO
NEWPORT BEACH
CA 92663-3879

423-112-02 PARCEL A
423-112-03 PARCEL B

PROPOSED PROJECTS ENCOMPASS 6 EXISTING LOTS: 1201, 1202, 1203, & 1204 OF TRACT 907 W/ ADJACENT ALLEY AND A PORTION OF LOTS 4 & 5 OF TRACT 1117

3303 VIA LIDO: 17,236 SF = PARCEL A
3355 VIA LIDO: 34,659 SF = PARCEL B
TOTAL: 52,099 SF (1.196 ACRES)

EXISTING BUILDING INFORMATION:

CURRENT ZONING DISTRICT

CURRENT USE 3303:

CURRENT USE 3355:

CURRENT SETBACKS:

EXISTING HEIGHT OF 3355 VIA LIDO:

EXISTING STRUCTURES:

EXISTING PARKING ON 3355 VIA LIDO SITE:

RM-20 (2178) UNDER 2006 GENERAL PLAN

P1 (PRIVATE INSTITUTION) UNDER CLUP PERMIT, CBC 2010: ASSEMBLY OCCUPANCY COMMERCIAL (RSC PER OLD ZONING DESIGNATION), CBC 2010: MIXED USE OCCUPANCY B+A

NONE

3 STORIES, 35'-0" TO TOP OF ROOF PARAPET, ROOF TOP EQUIPMENT IS EXPOSED

EXISTING OFFICE BUILDING:	32,469 SF GROSS	31,290 SF NET
EXISTING CHURCH BUILDING:	7,176 SF GROSS	6,900 SF NET
EXISTING CHURCH READING RM:	1,785 SF GROSS	1,684 SF NET
TOTAL	41,430 SF GROSS	39,874 SF NET

54 SPACES

PROPOSED BUILDING INFORMATION:

PROJECT DESCRIPTION:

DEMOLITION OF EXISTING OFFICE BUILDING AND CHURCH BUILDING. SITE IMPROVEMENTS TO INCLUDE NEW 23 TOWNHOUSES IN 5 CLUSTERS (CLUSTER OF 4, 5, AND 6 TOWNHOUSES AND 1 DUPLEX) (CONDO MAP) WITH LANDSCAPING AND ON SITE PARKING AND ON-SITE GUEST PARKING. TENTATIVE TRACT MAP 17355 SUBMITTED SEPARATELY

CURRENT ZONING DISTRICT:

GENERAL PLAN LAND USE:

CONSTITUTIONAL ZONE:

SETBACKS:

RM-20 (2178) (PER 2006 GENERAL PLAN)
MULTI-FAMILY RESIDENTIAL
YES
FRONT: 3 FT MIN.
INTERIOR: 5 FT

PROPOSED USE:

PROPOSED OCCUPANCY:

PROPOSED OWNERSHIP:

PROPOSED TYPE OF CONSTRUCTION

SPRINKLERS:

21 TOWNHOUSES AND 1 DUPLEX

R-2: 5 CLUSTERS OF 23 TOWNHOUSES, U FOR ALL GARAGES

CONDOMINIUMS

II-B

FULLY SPRINKLERED W/ NFPA 13R SYSTEM.
PROVIDE SEPARATE FIRE LINE INTO EACH DWELLING UNIT
3 EXISTING FIRE HYDRANTS AROUND SITE

PROPOSED HEIGHT:
FEATURE

35'-4" TO TOP OF GUARDRAIL, 39'-0" TO ROOF ABOVE STAIR AND TOP OF ARCHITECTURAL

PROPOSED GROSS AREA PLANNING:

63,593 SF

PROPOSED NET AREA PLANNING AND
TOTAL GROSS AREA PER CBC

59,486 SF

EXTERIOR SIGNAGE:

UNDER SEPARATE PERMIT

PARKING:

2 COVERED SPACES PER DU x 23 DU = 46 COVERED SPACES REQUIRED
.5 GUEST SPACES PER DU x 23 DU = 12 GUEST SPACES

46 COVERED SPACES REQUIRED, 46 COVERED SPACES PROVIDED
(2 INSIDE EACH TOWNHOUSE)
12 GUEST SPACES REQUIRED, 12 GUEST SPACES PROVIDED ON SITE,
MIN. DIM. 8'-6" x 17'-0" INCLUDING 1 ADA VAN ACCESSIBLE SPACE

PROPOSED UTILITY CONNECTION:

SEE UTILITY PLAN

REQUESTED REVIEWS:

COASTAL COMMISSION CLUP REQUESTED



VIEW LOOKING SOUTH EAST VIA LIDO



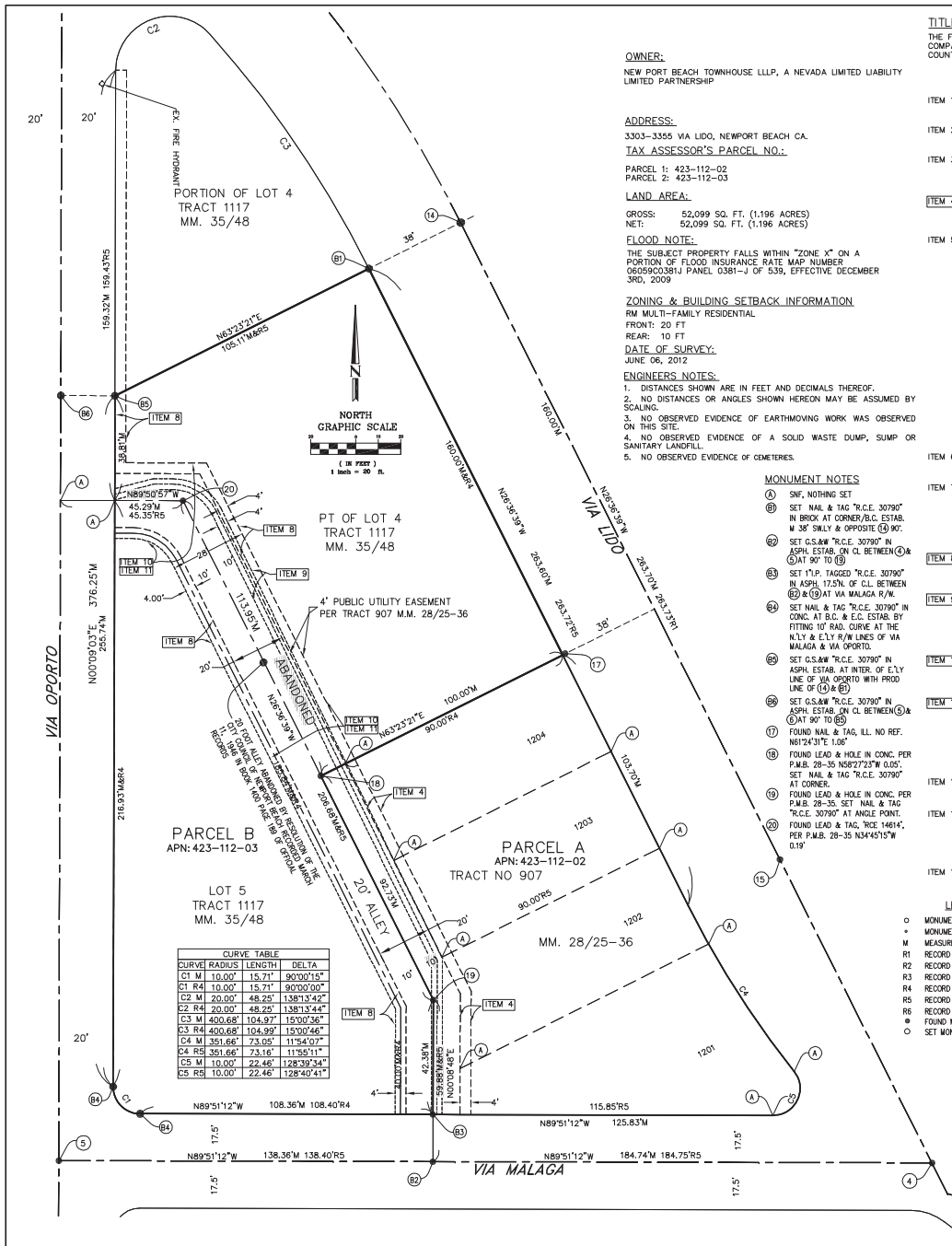
VIEW LOOKING NORTH EAST VIA OPORTO

S+D SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

TITLE SHEET

SHEET No. D-0 #1230 3355 + 3303 VIA LIDO



TITLE INFORMATION

THE FOLLOWING TITLE INFORMATION WAS DERIVED POLICY OF TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE COMPANY, ORDER NO. NCS-553479-SAT DATED OCTOBER 2, 2012 REAL PROPERTY IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

DENOTES ITEM PLOTTED HEREON

ITEM 1: GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2012-2013, A LIEN NOT YET DUE OR PAYABLE.

ITEM 2: THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.

ITEM 3: RIGHTS OF PARTIES IN POSSESSION.

THE FOLLOWING MATTERS AFFECT PARCEL A:

ITEM 4: AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT MAP NO. 907 RECORDED SEPTEMBER 18, 1928 AND ON FILE IN BOOK 28, PAGES 25 TO 36, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.

ITEM 5: COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED DECEMBER 10, 1928 IN BOOK 228, PAGE 1 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR APPLICABLE STATE LAW. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.

ALL RIGHT OF ENFORCEMENT APPROVAL, MAINTENANCE, INSPECTION, SUPERVISION, CONTROL AND OPERATION CREATED IMPOSED, SET FORTH AND PROVIDED IN A STATE DECLARATION WERE CONVEYED TO LIDO ISLE COMMUNITY ASSOCIATION, A CORPORATION, BY DEED RECORDED DECEMBER 10, 1928 IN BOOK 218, PAGE 475, OF OFFICIAL RECORDS.

ALL REVERSIONARY RIGHTS WERE CONVEYED TO LIDO ISLE COMMUNITY ASSOCIATION, BY DEED RECORDED DECEMBER 3, 1938 IN BOOK 969, PAGE 427, OF OFFICIAL RECORDS.

ITEM 6: THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT" RECORDED APRIL 4, 1947 AS INSTRUMENT NO. 14588 OF OFFICIAL RECORDS.

ITEM 7: THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED JANUARY 24, 1979 AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.

THE FOLLOWING MATTERS AFFECT PARCEL B:

ITEM 8: AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT NO. 1117 RECORDED JANUARY 19, 1946 AND ON FILE IN BOOK 35, PAGE 48, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES. (PLOTTED HEREON)

ITEM 9: AN EASEMENT FOR GAS PIPES AND MAINS FOR THE PURPOSE OF CONVEYING GAS FOR HEAT AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 20, 1948 BOOK 1822, PAGE 120 OF OFFICIAL RECORDS. IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA (PLOTTED HEREON)

ITEM 10: AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED MAY 21, 1951 AS BOOK 2191, PAGE 208 OF OFFICIAL RECORDS IN FAVOR OF CITY OF NEWPORT BEACH (PLOTTED HEREON)

ITEM 11: AN EASEMENT FOR UNDERGROUND ELECTRIC SYSTEM, CONSISTING OF CONDUITS, WIRES, CABLES, AND A CONCRETE TRANSFORMER VAULT AND INCIDENTAL PURPOSES, RECORDED JULY 26, 1952 AS INSTRUMENT NO. 104257 IN BOOK 3586, PAGE 64 OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA Edison COMPANY, A CORPORATION.

NOTE: A PARTIAL QUITCLAIM OF SAID EASEMENT WAS RECORDED DECEMBER 13, 1967 IN BOOK 8465, PAGE 177 OF OFFICIAL RECORDS, AFFECTING A PORTION OF SAID LAND. (PLOTTED HEREON)

ITEM 12: THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENT" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.

ITEM 13: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LIDO BUILDING, LTD., A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COX CALIFORNIA PCS, INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 97-0064282 OF OFFICIAL RECORDS. DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LEASEHOLD ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

ITEM 14: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

LEGEND

○ MONUMENT FOUND (AS NOTED)

○ MONUMENT SET (AS NOTED)

○ MEASURED/CALCULATED DIMENSION

R1 RECORD DATA PER P.M.B. 60/43

R2 RECORD DATA PER P.M.B. 85/2

R3 RECORD DATA PER P.M.B. 63/11

R4 RECORD DATA PER TRACT NO. 1117 MM. 35/48

R5 RECORD DATA PER TRACT NO. 907 MM. 28/25-36

R6 RECORD DATA PER P.M.B. 59/17

● FOUND MONUMENT

○ SET MONUMENT

BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING BETWEEN O.C.S. HORIZONTAL CONTROL STATION GPS NO. 6301R2 AND STATION GPS NO. 6287R2 BEING NORTH 35°43'51" WEST PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

GPS POINT LOCATIONS:

GPS #287R2 N 2172582.48 E 6048607.93

FD GEAR SPIKE WITH WASHER STAMPED "6965" PER CR 2011-1104, IN LIEU OF "SURVEY MARK" SPIKE WITH 1 1/2" O.D. 304S BRASS WASHER BEING PUNCHED ROUND SPIKE WITH WASHER (NO STAMPING), DOWN 0.2" IN A.C. SET PER CR 2007-2062. ORIGINAL MONUMENT BEING BALBOA BIALD. STATION IS LOCATED IN THE INTERSECTION OF WEST BALBOA BLVD. AND 38TH ST.

GPS #6301R2 N 2170302.20 E 6050248.34

FD GEAR SPIKE WITH TAG STAMPED "6965" IN LIEU OF PUNCHED SPIKE AND WASHER STAMPED "6965" FLUSH IN A.C. ORIGINAL MONUMENT BEING PUNCHED ROUND SPIKE WITH WASHER (NO STAMPING), DOWN 0.2" IN A.C. STATION IS LOCATED AT CENTERLINE INTER OF WEST BALBOA BLVD. AND 28TH ST. MONUMENT IS ALSO NORTHWESTERLY 0.84' FROM ANOTHER MONUMENT OF SAME CHARACTER.

LEGAL DESCRIPTION

PARCEL A:

LOTS 1201, 1202, 1203 AND 1204, OF TRACT NO. 907, AS PER MAP RECORDED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, TOGETHER WITH THAT PORTION OF THE ALLEY ADJOINING LOTS 1201, 1202, 1203 AND 1204 OF TRACT NO. 907, AS SHOWN ON MAP RECORDED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, AND THAT PORTION OF VIA MALAGA AS SHOWN ON SAID MAP BOTH AS ABANDONED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1201; THENCE SOUTH 0° 44' 30" EAST 17.5 FEET TO THE CENTER LINE OF SAID VIA MALAGA; THENCE SOUTH 89° 15' 30" WEST 10.00 FEET TO THE INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF SAID ALLEY; THENCE NORTH 0° 44' 30" WEST 59.88 FEET TO THE CENTER LINE OF SAID ALLEY AND ITS SOUTHERLY PROLONGATION TO AN ANGLE POINT THEREIN; THENCE NORTH 27° 30' 00" WEST TO THE INTERSECTION OF THE CENTER LINE OF SAID ALLEY WITH THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 1204; THENCE NORTH 62° 30' 00" EAST 10.00 FEET TO THE WESTERLY CORNER OF SAID LOT 1204; THENCE SOUTH 27° 30' 00" EAST 95.22 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID LOT 1202; THENCE SOUTH 0° 44' 30" EAST 44.76 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF VIA MALAGA, A STREET WITHIN TRACT NO. 907 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 28, PAGES 25 TO 36 INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND VACATED BY RESOLUTION NO. 3280 OF THE CITY COUNCIL OF NEWPORT BEACH, A COPY OF WHICH WAS RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, LYING NORTHERLY OF THE CENTER LINE OF SAID STREETS, AS SHOWN ON SAID MAP AND EASTERLY OF THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF THAT PORTION OF THE ALLEY ADJOINING LOT 1201 OF SAID TRACT NO. 907, AS GRANTED TO THE CITY OF NEWPORT BEACH, A MUNICIPAL CORPORATION IN GRANT DEED RECORDED SEPTEMBER 12, 1956 AS INSTRUMENT NO. 122766 IN BOOK 3641, PAGE 12, OF OFFICIAL RECORDS.

APN: 423-112-02

PARCEL B:

THAT PORTION OF LOTS 4 AND 5 OF TRACT NO. 1117, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGE 48 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH A PORTION OF THE 20.00 FOOT ALLEY ADJOINING SAID LOTS 4 AND 5 AS ABANDONED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SAID 20.00 FOOT ALLEY WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 5; THENCE SOUTH 89°15' 30" WEST ALONG SAID PROLONGATION AND SAID SOUTHERLY LINE OF LOT 5; A DISTANCE OF 108.40 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 16.00 FEET; THENCE WESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°; A DISTANCE OF 15.71 FEET; THENCE TANGENT TO SAID CURVE NORTH 0° 44' 30" WEST ALONG THE WESTERLY LINE OF SAID LOT 5 AND ITS NORTHERLY PROLONGATION 228.61 FEET TO THE WESTERLY CORNER OF SAID LOT 4, SAID CORNER BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN CURVE IN THE WESTERLY LINE OF SAID LOT 4 HAVING A BEARING AND DISTANCE OF NORTH 0° 44' 30" WEST 149.43 FEET; THENCE NORTH 0° 44' 30" WEST ALONG SAID WESTERLY LINE 28.91 FEET; THENCE NORTH 62° 30' EAST 105.11 FEET TO THE EASTERLY LINE OF SAID LOT 4; THENCE SOUTH 27° 30' EAST ALONG EASTERLY LINE OF LOT 4; A DISTANCE OF 16.00 FEET TO THE EASTERLY CORNER OF SAID LOT 4; THENCE SOUTH 27° 30' WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 4 AND THE SOUTHWESTERLY PROLONGATION THEREOF; A DISTANCE OF 10.00 FEET TO THE CENTERLINE OF SAID 20.00 FOOT ALLEY; THENCE SOUTH 27° 30' EAST ALONG SAID CENTERLINE TO AN ANGLE POINT; THENCE SOUTH 0° 44'30" EAST ALONG SAID CENTERLINE 42.38 FEET TO THE POINT OF BEGINNING.

APN: 423-112-03

DATUM STATEMENT:

COORDINATES SHOWN ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM (CCS83) ZONE VI, 1983 NAD (2007.00 EPOCH O.C.S. GPS ADJUSTMENT). ALL DISTANCES SHOWN ARE GROUND UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCE, MULTIPLY GROUND DISTANCE BY 0.99997132.

BENCH MARK:

"NEB3-177" OCS ALUMINUM BENCHMARK DISK STAMPED

"NEB3-177" ELEV. 24.503 FEET

ENCROACHMENTS

SEE SHEET 2 OF 2 FOR ENCROACHMENTS DETAILS

PARKING SPACE COUNT:

61 (TOTAL OBSERVED)

03 (HANDICAP)

ENGINEER'S CERTIFICATE:

THE UNDERSIGNED, BEING A REGISTERED CIVIL ENGINEER IN THE STATE OF CALIFORNIA,

CERTIFIES TO:

NEW PORT BEACH TOWNHOUSE LLLP, A NEVADA LIMITED LIABILITY LIMITED PARTNERSHIP & FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6, 8, 9, 10, 11(a), 13, 14, 15 & 16 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 6-05-2012.



PREPARED BY:



27196 BURBANK, CA 92801

P: 646-618-3800

F: 646-618-3808

DVD@C-M.NET

TOPOGRAPHIC SURVEY

3303 - 3315 VIA LIDO

NEWPORT BEACH, CA

PROJECT NO.

SHUB-001

SHEET

C-1

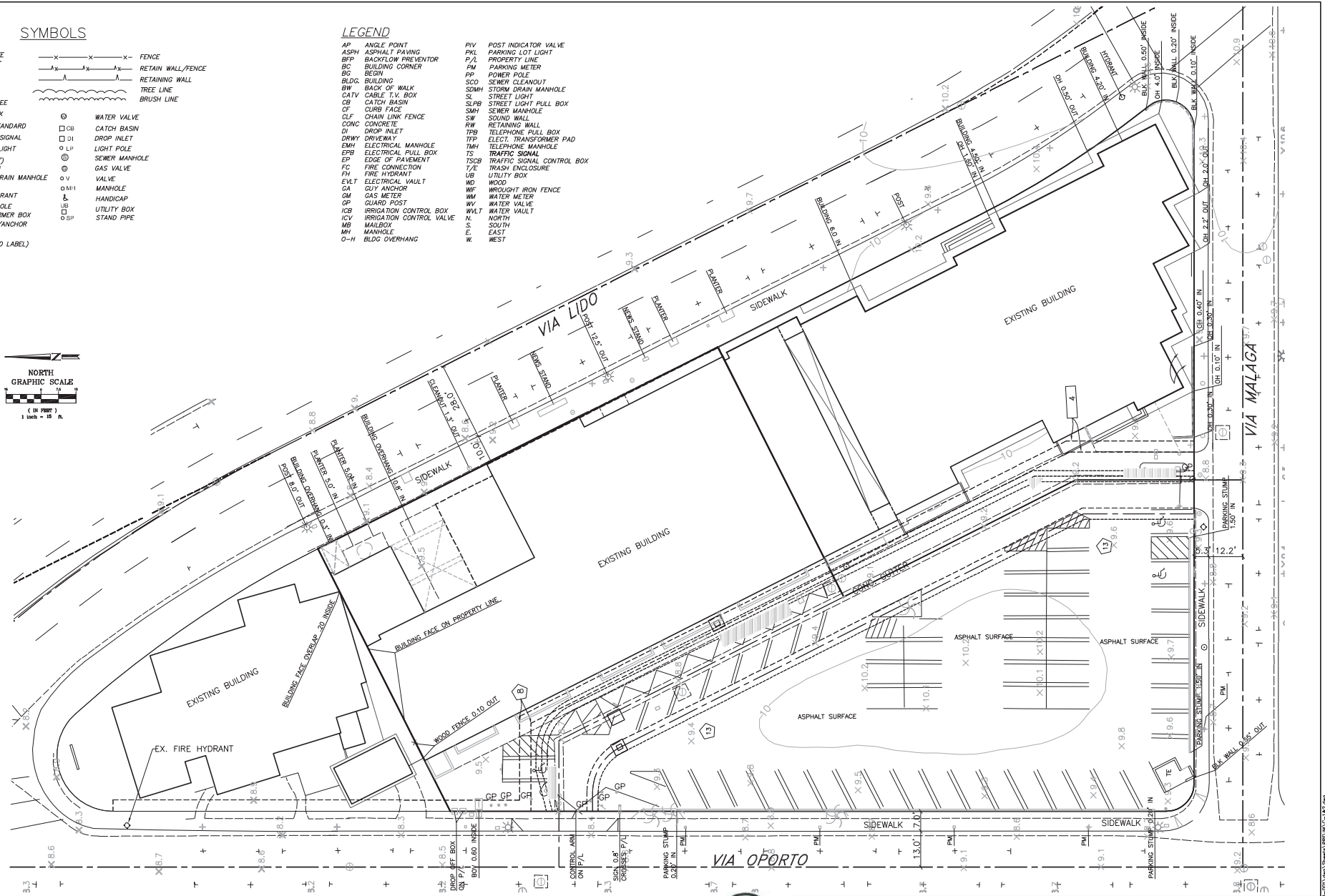
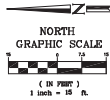
2

SYMBOLS

CONC	CONCRETE	—X—X—X—X—	FENCE
ASPH	ASPHALT	—X—X—X—X—	RETAIN WALL/FENCE
TR	TREE	—X—X—X—X—	RETAINING WALL
BUSH	BUSH	—X—X—X—X—	TREE LINE
PALM TREE	PALM TREE	—X—X—X—X—	BRUSH LINE
MAIL BOX	MAIL BOX	○	WATER VALVE
LIGHT STANDARD	LIGHT STANDARD	○	CATCH BASIN
TRAFFIC SIGNAL	TRAFFIC SIGNAL	○	DROP INLET
STREET LIGHT	STREET LIGHT	○	LIGHT POLE
SIGN (10')	SIGN (10')	○	SEWER MANHOLE
SIGN (5')	SIGN (5')	○	GAS VALVE
STORM DRAIN MANHOLE	STORM DRAIN MANHOLE	○	VALVE
SIGN	SIGN	○	MANHOLE
FIRE HYDRANT	FIRE HYDRANT	○	HANDICAP
POWER POLE	POWER POLE	○	UTILITY BOX
TRANSFORMER BOX	TRANSFORMER BOX	○	STAND PIPE
GUYWIRE/ANCHOR	GUYWIRE/ANCHOR	○	
METER	METER	○	
POST (NO LABEL)	POST (NO LABEL)	○	

LEGEND

AP	ANGLE POINT	P/V	POST INDICATOR VALVE
ASPH	ASPHALT PAVING	PKL	PARKING LOT LIGHT
B/P	BACKFLOW PREVENTOR	P/L	PROPERTY LINE
BC	BUILDING CORNER	PM	PARKING METER
BG	BEGIN	PP	POWER POLE
BLDG	BUILDING	SCD	SEWER CLEANOUT
BW	BACK OF WALK	SDMH	STORM DRAIN MANHOLE
CATV	CABLE T.V. BOX	SL	STREET LIGHT
CB	CATCH BASIN	SLPB	STREET LIGHT PULL BOX
CF	CURB FACE	SMH	SEWER MANHOLE
CLF	CHAIN LINK FENCE	SW	SOUND WALL
CONC	CONCRETE	RW	RETAINING WALL
DI	DROP INLET	TPB	TELEPHONE PULL BOX
DRWY	DRIVEWAY	TP	ELECT. TRANSFORMER PAD
EMH	ELECTRICAL MANHOLE	TMH	TELEPHONE MANHOLE
EPB	ELECTRICAL PULL BOX	TS	TRAFFIC SIGNAL
EP	EDGE OF PAVEMENT	TSCB	TRAFFIC SIGNAL CONTROL BOX
FC	FIRE CONNECTION	T/E	TRASH ENCLOSURE
FM	FIRE HYDRANT	UB	UTILITY BOX
EVL	ELECTRICAL VAULT	WD	WOOD
CA	GUY ANCHOR	WF	WROUGHT IRON FENCE
GM	GAS METER	WM	WATER METER
GP	GUARD POST	WV	WATER VALVE
ICB	IRRIGATION CONTROL BOX	WLT	WATER VAULT
ICV	IRRIGATION CONTROL VALVE	N	NORTH
MB	MAILBOX	S	SOUTH
MH	MANHOLE	E	EAST
O-H	BLDG OVERHANG	W	WEST

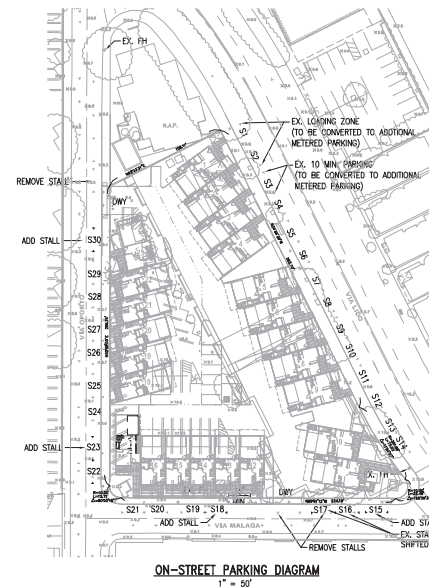


PREPARED BY:
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TOPOGRAPHIC SURVEY

3303 - 3315 VIA LIDO
 NEWPORT BEACH, CA

PROJECT NO.
SHUB-001
 SHEET
C-2
2



PARKING SUMMARY
 PARKING STALLS EXISTING: 29
 PARKING STALLS REMOVED: 3
 PARKING STALLS ADDED: 4
 TOTAL ON-STREET PARKING: 30

LEGEND

- PROPOSED CURB AND GUTTER
- PROPOSED SIDEWALK
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- PROPOSED STORM DRAIN LINE
- CENTER LINE
- PROPERTY LINE
- EXISTING CURB AND GUTTER
- EXISTING SIDEWALK
- EXISTING SEWER LINE
- EXISTING WATER LINE
- EXISTING STORM DRAIN LINE
- EXISTING GAS LINE
- EXISTING TELEPHONE LINE
- EXISTING ELECTRIC LINE
- EXISTING VALVE
- EXISTING MANHOLE
- EXISTING CONTOUR
- FIRE HYDRANT
- STREET LIGHT
- ADA ACCESSIBLE UNIT

ABBREVIATIONS:

- ~C CENTER LINE
- CB CATCH BASIN
- DM DOMESTIC WATER
- EX EXISTING
- FG FINISHED GRADE
- FL FLOW LINE
- FS FINISHED SURFACE
- GB GRADE BREAK
- HP HIGH POINT
- MIN MINIMUM
- MISC MISCELLANEOUS
- MH MANHOLE
- POC POINT OF CONNECTION
- PR PROPOSED
- R/W RIGHT OF WAY
- SD STORM DRAIN
- SF SQUARE FEET
- SS SANITARY SEWER



SCALE: 1" = 20'
 0 10 20 40

NOTE

FINISHED FLOOR (FF) ELEVATIONS SUBJECT TO CHANGE UPON FINDINGS OF OFF-SITE DRAINAGE STUDY TO BE COMPLETED AT A LATER DATE.



PLANS PREPARED BY:

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 C: 949.916.3808
 CVCINC.NET

REV.	DATE	DESCRIPTION	BY	CHK.	APPR.
CITY OF NEWPORT BEACH BUILDING DEPARTMENT APPROVAL					
DESIGN	JC	3355 & 3303 VIA LIDO MULTI-FAMILY PROJECT			
DWN.	JC	PRELIMINARY GRADING PLAN			
CHK.	DM				
R.C.E. EXP. DATE					SHT. 1 OF 1 DWS. NO. C-3



VIA LIDO
VIEW OF 3303 VIA LIDO CHURCH



VIA LIDO
VIEW FROM SIDEWALK IN FRONT OF COMMERCIAL BUILDING



VIA LIDO
VIEW OF 3355 COMMERCIAL BUILDING



VIA LIDO
VIEW OF 3303 VIA LIDO FIRST CHURCH OF CHRIST, SCIENTIST



VIA LIDO
VIEW OF 3303 AND 3355 VIA LIDO BEYOND



VIA LIDO
VIEW LOOKING DOWN VIA LIDO



VIA LIDO
VIEW OF 3355 COMM. BLDG. AND 3303 FIRST CHURCH OF CHRIST, SCIENTIST



VIA OPORTO
VIEW OF 3355 VIA LIDO COMMERCIAL BUILDING



VIA MALAGA
VIEW OF ST. JAMES ANGLICAN CHURCH



VIA LIDO
VIEW FROM 3388 LOOKING TO 3355 VIA LIDO



VIA LIDO
BRIDGE TO LIDO ISLAND

EXISTING BUILDING PHOTOGRAPHY

SHUBIN+DONALDSON ARCHITECTS INC.
PLANNED COMMUNITY DEVELOPMENT PLAN
SHEET No. D-1 #1230 3355 + 3303 VIA LIDO



VIA MALAGA
VIEW OF ST. JAMES CHURCH - ANGLICAN



VIA MALAGA/ VIA LIDO
VIEW OF ST. JAMES CHURCH - ANGLICAN



VIA OPORTO
VIEW OF CITY HALL AND PARKING LOT



VIA OPORTO
VIEW OF FIRE STATION AND CITY HALL



VIA OPORTO
VIEW OF PARKING LOT OF SHOPPING CENTER



VIA LIDO
VIEW OF RESIDENTIAL BAYFRONT DEVELOPMENT



VIA LIDO
VIEW OF SINGLE RESIDENTIAL BAYFRONT DEVELOPMENT



VIA LIDO
VIEW OF SINGLE RESIDENTIAL BAYFRONT DEVELOPMENT



LIDO VILLAGE
AERIAL VIEW

SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

EXISTING SITE CONTEXT PHOTOGRAPHY

SHEET No. D-2 #1230 3355 + 3303 VIA LIDO



PARKING ANALYSIS:

REQUIRED PARKING:	
2 COVERED SPACES PER DU + 23 DU	= 46 GARAGE SPACES REQUIRED
3 GUEST PARKING SPACES PER DU + 23 DU	= 12 GUEST SPACES REQUIRED
PROVIDED PARKING:	
DWELLING UNIT PARKING	= 46 GARAGE SPACES PROVIDED
GUEST PARKING	= 12 GUEST SPACES PROVIDED, INCLUDING 1 ADA VAN SPACE

PROJECT INFORMATION:

3303 AND 3305 VIA LIDO APPLICANT:

PROPERTY OWNER 3303 & 3305 VIA LIDO

ARCHITECT:

SETBACKS:

BUILDABLE AREA (SITE AREA - SETBACK AREA)

LANDSCAPED AREA:

INTERIOR TRASH ENCLOSURES:

DART DEVELOPMENT GROUP
550 HODGKISS ROAD
MISSION, MI 48134
PHONE: 517 344-2177
FAX: 517 344-2888
CONTACT: STEVE MILLS

NEWPORT BEACH TOWNHOUSE LLP
A NEVADA LIMITED LIABILITY LIMITED PARTNERSHIP

SHUBIN + DONALDSON ARCHITECTS
3801 LA CUMBRE PLAZA, SUITE 200
SANTA BARBARA, CA 93105
PHONE: (805) 652-7000 / 131
FAX: (805) 652-7001
CONTACT: SELENE PLUMKE, AIA

FRONT: 3 FT MIN.
INTERIOR: 5 FT
REFER TO PLANNED COMMUNITY DEVELOPMENT PLAN TEXT FOR MORE DETAILED SETBACK INFORMATION

47,878 SF

8,526 SF

HARBOR TYPE 1: 27.2 SF x 3 = 82 SF

HARBOR TYPE 2: 27.2 SF x 4 = 110 SF

ISLAND TYPE 1: 17.7 SF x 1 = 17.7 SF

ISLAND TYPE 2: 30.1 SF x 1 = 30.1 SF

ISLAND TYPE 3: 30.3 SF x 1 = 30.3 SF

TOTAL: 337 SF x 96 SF

EASEMENTS:

TITLE INFORMATION

THE FOLLOWING TITLE INFORMATION WAS DERIVED POLICY OF TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE COMPANY, ORDER NO. NCS-553479-SAT DATED OCTOBER 2, 2012 REAL PROPERTY IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

DENOTES ITEM PLOTTED HEREON

ITEM 1: GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2012-2013, A LIEN NOT YET DUE OR PAYABLE.

ITEM 2: THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.

ITEM 3: RIGHTS OF PARTIES IN POSSESSION.

THE FOLLOWING MATTERS AFFECT PARCEL A.

ITEM 4: AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT MAP NO. 907 RECORDED SEPTEMBER 18, 1928 AND ON FILE IN BOOK 28, PAGES 25 TO 36, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.

ITEM 5: COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED DECEMBER 10, 1928 IN BOOK 22A, PAGE 1 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT RESERVING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, RACE, COLOR, RELIGION, SEX, HANDICAP, ANCESTRY, STATUS, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR APPLICABLE STATE LAWS. RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSIDERED AS RESTRICTIONS BASED ON FAMILIAL STATUS. ALL RIGHT OF ENFORCEMENT APPROVAL, MAINTENANCE, INSPECTION, SUPERVISION, CONTROL, AND OPERATION CREATED IMPOSED, SET FORTH AND PROVIDED IN SAID DECLARATION WERE CONVEYED TO LIDO FILE COMMUNITY ASSOCIATION, A CORPORATION, BY DEED RECORDED DECEMBER 10, 1928 IN BOOK 21B, PAGE 415, OF OFFICIAL RECORDS. ALL REVENUE RIGHTS WERE CONVEYED TO LIDO FILE COMMUNITY ASSOCIATION, BY DEED RECORDED DECEMBER 5, 1938 IN BOOK 86B, PAGE 427, OF OFFICIAL RECORDS. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED APRIL 16, 1940 IN BOOK 103M, PAGE 521, BOOK 104L, PAGE 208, FEBRUARY 25, 1954 IN BOOK 207B, PAGE 352, APRIL 24, 1957 IN BOOK 8233, PAGE 143, JANUARY 23, 1969 IN BOOK 328M, PAGE 364, SEPTEMBER 25, 1975 IN BOOK 1152Z, PAGE 648, JULY 14, 1976 IN BOOK 1181L, PAGE 102, APRIL 21, 1980 IN BOOK 1380, PAGE 1200, MARCH 19, 1982 AS INSTRUMENT NO. 2002031486, ALL OF OFFICIAL RECORDS.

ITEM 6: THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT" RECORDED APRIL 4, 1947 AS INSTRUMENT NO. 14589 OF OFFICIAL RECORDS.

ITEM 7: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED JANUARY 24, 1979 AS INSTRUMENT NO. 1804 OF OFFICIAL RECORDS.

THE FOLLOWING MATTERS AFFECT PARCEL B.

ITEM 8: AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT NO. 1117 RECORDED JANUARY 19, 1946 AND ON FILE IN BOOK 35, PAGE 48, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES. (PLOTTED HEREON)

ITEM 9: AN EASEMENT FOR GAS PIPES AND MAINS FOR THE PURPOSE OF CONVEYING GAS FOR HEAT AND INCIDENTAL PURPOSES RECORDED JANUARY 20, 1946 IN BOOK 162Z, PAGE 120 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA. (PLOTTED HEREON)

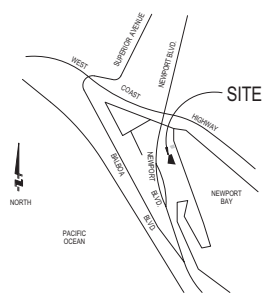
ITEM 10: AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED MAY 21, 1951 AS BOOK 2191, PAGE 208 OF OFFICIAL RECORDS IN FAVOR OF CITY OF NEWPORT BEACH. (PLOTTED HEREON)

ITEM 11: AN EASEMENT FOR UNDERGROUND ELECTRIC SYSTEM, CONSISTING OF CONDUITS, WIRES, CABLES, AND A CONCRETE TRANSFORMER VAULT AND INCIDENTAL PURPOSES, RECORDED JULY 25, 1956 AS INSTRUMENT NO. 10421 IN BOOK 358L, PAGE 44 OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA Edison COMPANY. A PARTIAL OUTLAIN OF SAID EASEMENT WAS RECORDED DECEMBER 13, 1967 IN BOOK 846S, PAGE 177 OF OFFICIAL RECORDS, AFFECTING A PORTION OF SAID LAND. (PLOTTED HEREON)

ITEM 12: THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENT" RECORDED AS BOOK 1301, PAGE 1804 OF OFFICIAL RECORDS.

ITEM 13: AN UNRECORDED LEASE DATED JUNE 28, 1996, EXECUTED BY LIDO BUILDING, LTD., A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COO CALIFORNIA PCS, INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 97-0084282 OF OFFICIAL RECORDS, DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LEASOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

ITEM 14: ANY CLAIM THAT ANY RECORDS OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR ANNUAL CHANGES IN THE LOCATION OF THE SHORELINE.



1 VICINITY MAP
NOT TO SCALE

SHUBIN + DONALDSON ARCHITECTS INC.
PLANNED COMMUNITY DEVELOPMENT PLAN
PROPOSED SITE PLAN
SHEET No. D-3 #1230 3355 + 3303 VIA LIDO

(N) SITE PLAN
SCALE: 1/16" = 1'-0"



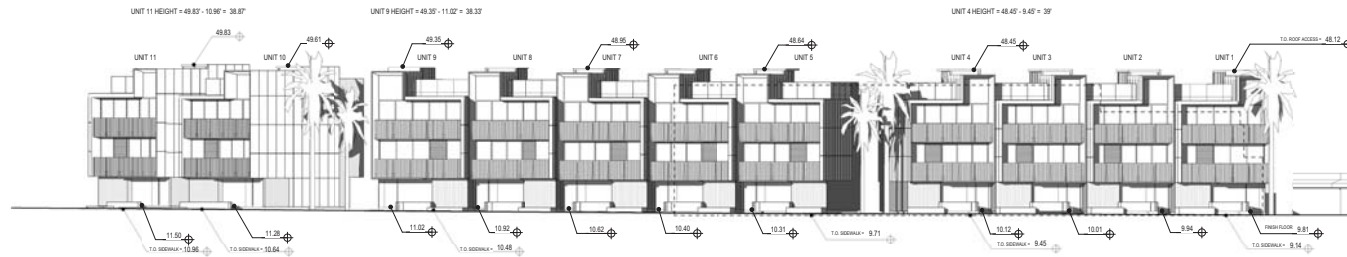
(N) ROOF SITE PLAN
SCALE: 1/16" = 1'-0"

SHUBIN+DONALDSON ARCHITECTS INC.

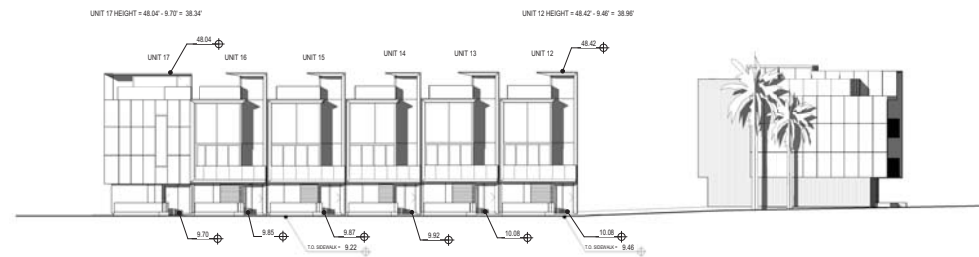
PLANNED COMMUNITY DEVELOPMENT PLAN

PROPOSED SITE ROOF PLAN

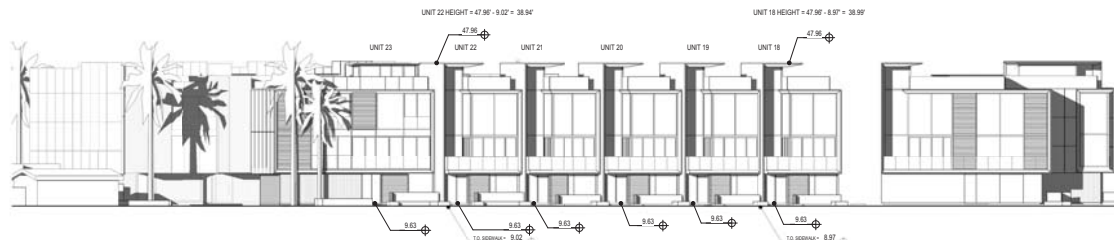
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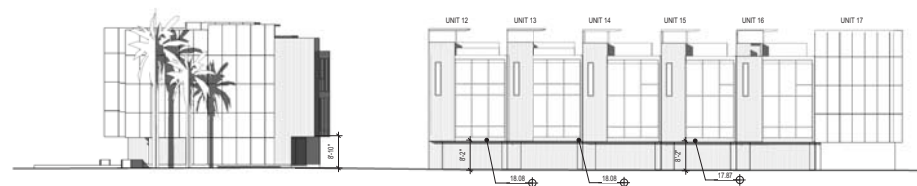
EAST ELEVATION - VIA LIDO 1
SCALE: 1/16" = 1'-0"



SOUTH ELEVATION - VIA MALAGA 2
SCALE: 1/16" = 1'-0"



WEST ELEVATION - VIA OPORTO 3
SCALE: 1/16" = 1'-0"



COURTYARD ISLAND UNITS SOUTH 4
SCALE: 1/16" = 1'-0"

SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

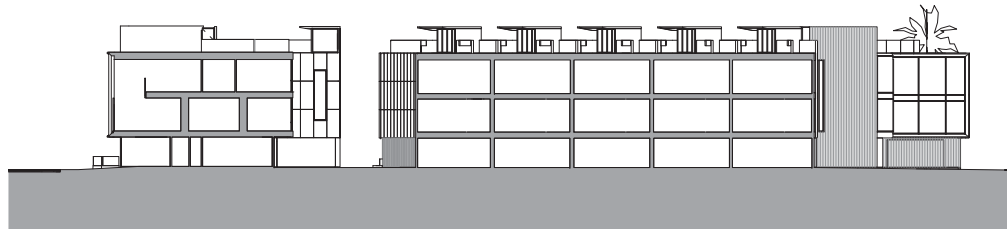
ELEVATIONS

SHEET No. D-5 #1230 3355 + 3303 VIA LIDO



SITE SECTION A-A
SCALE: 1/16" = 1'-0"

1



SITE SECTION B-B
SCALE: 1/16" = 1'-0"

2

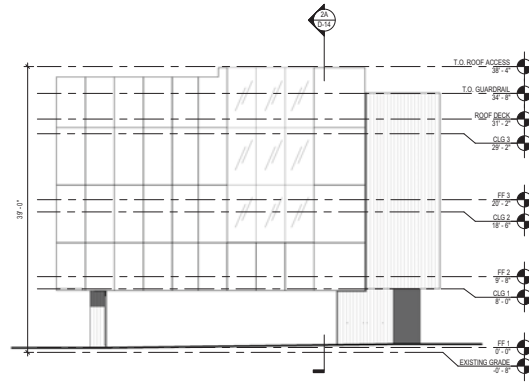
SHD SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

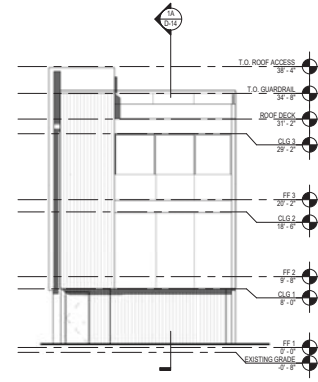
SITE SECTIONS

SHEET No. D-6 #1230 3355 + 3303 VIA LIDO

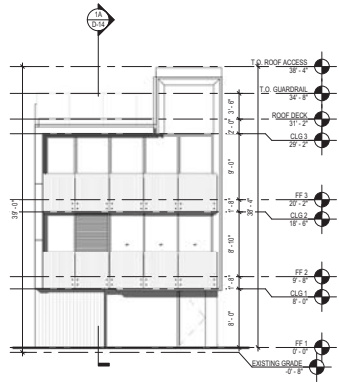
HARBOR UNIT - TYPE 1



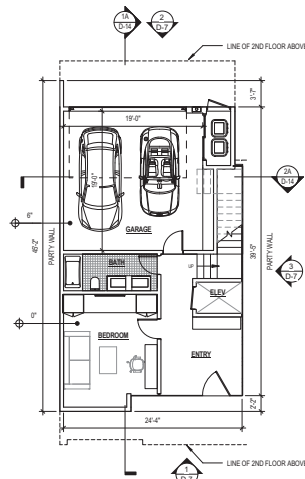
SIDE ELEVATION 3
SCALE: 1/8" = 1'-0"



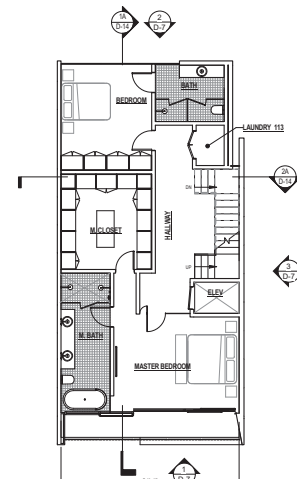
BACK ELEVATION 2
SCALE: 1/8" = 1'-0"



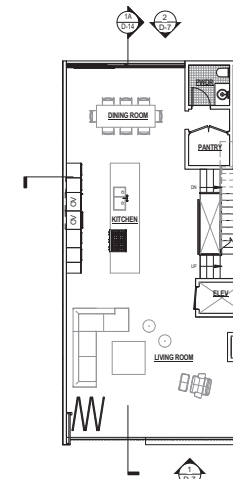
FRONT ELEVATION 1
SCALE: 1/8" = 1'-0"



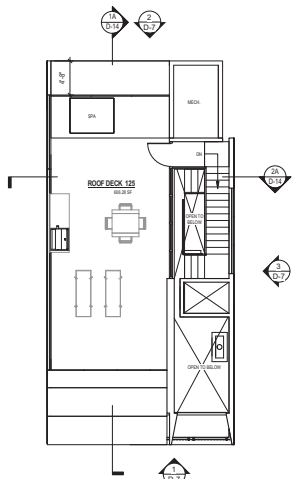
1st FLOOR PLAN
SCALE: 1/8" = 1'-0"



2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"



3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"



ROOF DECK PLAN
SCALE: 1/8" = 1'-0"

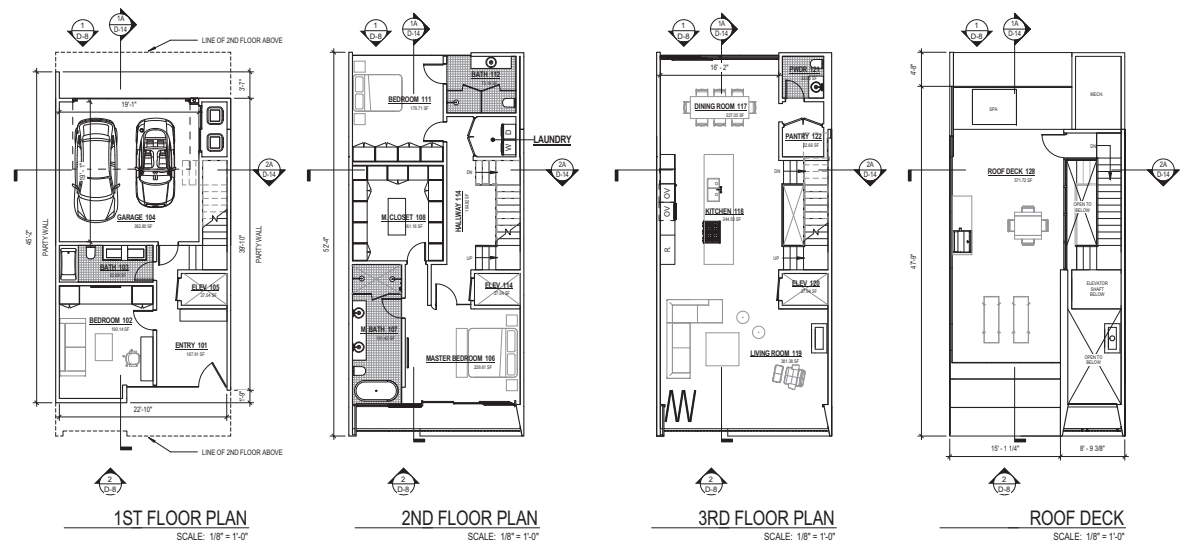
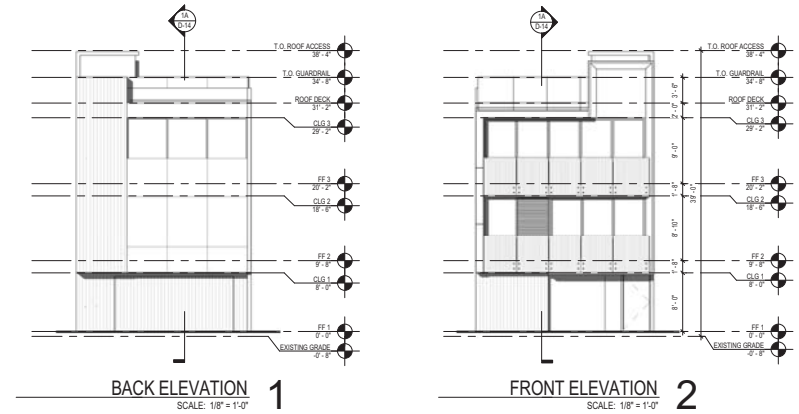
SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

UNIT PLANS & ELEVATIONS

SHEET No. D-7 #1230 3355 + 3303 VIA LIDO

HARBOR UNIT - TYPE 2



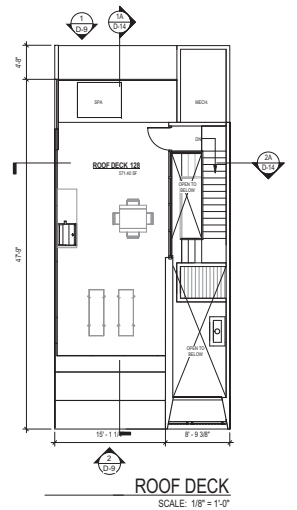
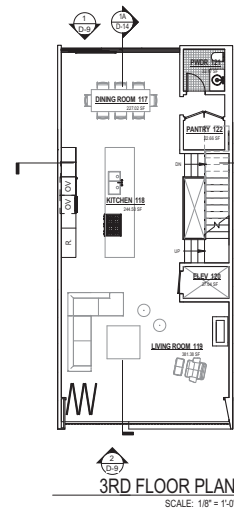
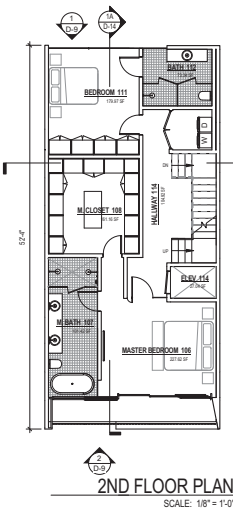
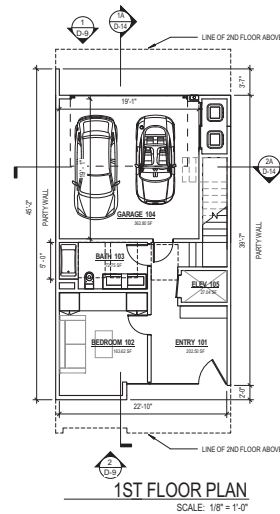
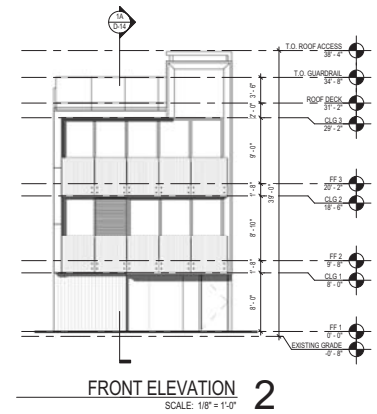
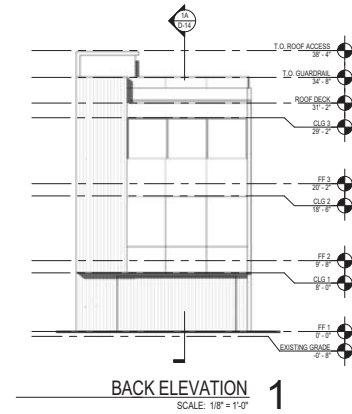
SDA SHUBIN+DONALDSON ARCHITECTS INC.

PROGRESS PLANNED COMMUNITY DEVELOPMENT PLAN

UNIT PLANS & ELEVATIONS

SHEET No. D-8 #1230 3355 + 3303 VIA LIDO

HARBOR UNIT - TYPE 2 ADA



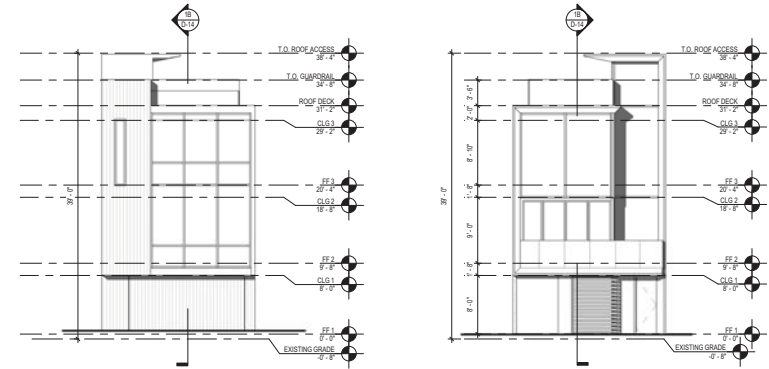
SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

UNIT PLANS & ELEVATIONS

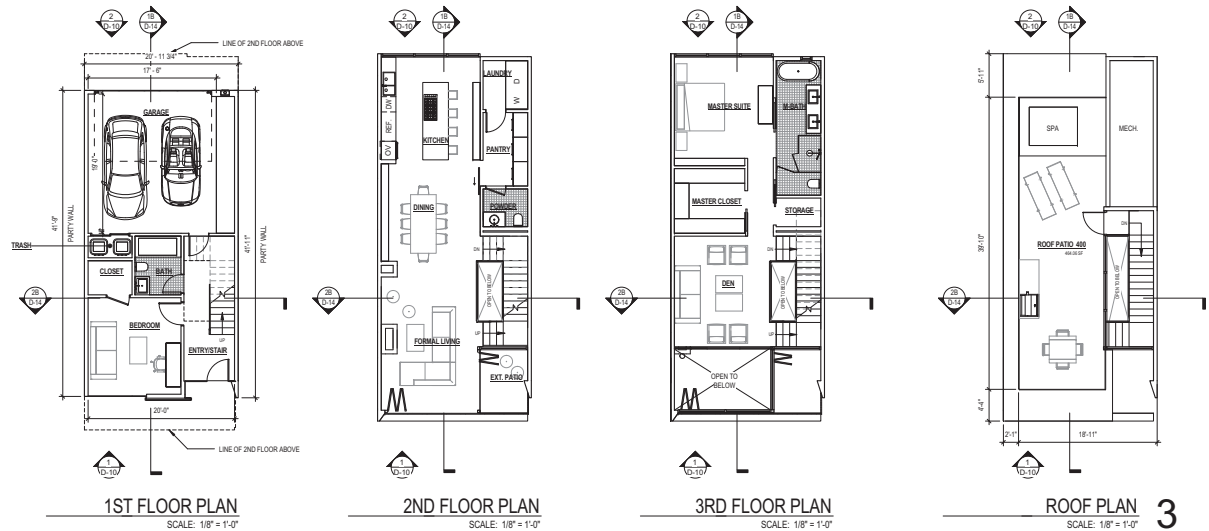
SHEET No. D-9 #1230 3355 + 3303 VIA LIDO

ISLAND UNIT - TYPE 1



BACK ELEVATION
SCALE: 1/8" = 1'-0"

FRONT ELEVATION
SCALE: 1/8" = 1'-0"



1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"

2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"

3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"

ROOF PLAN
SCALE: 1/8" = 1'-0"

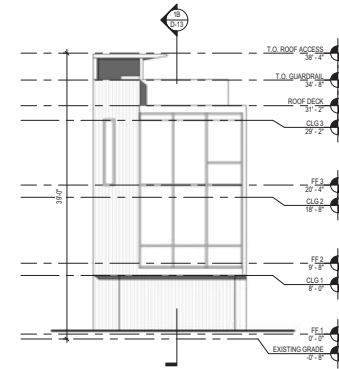
SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

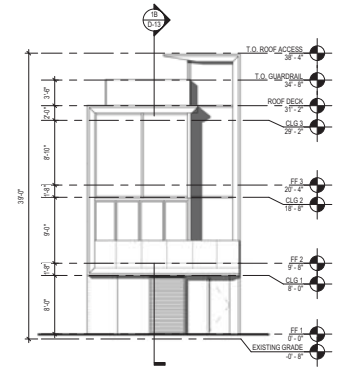
UNIT PLANS & ELEVATIONS

SHEET No. D-10 #1230 3355 + 3303 VIA LIDO

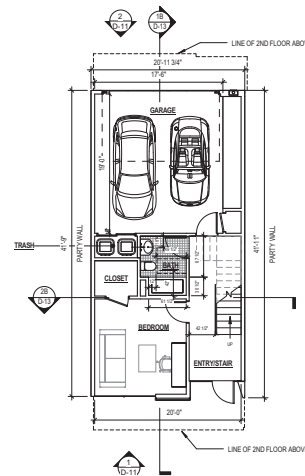
ISLAND UNIT - TYPE 1 ADA



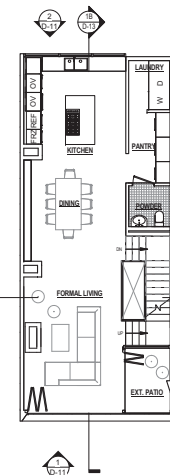
BACK ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



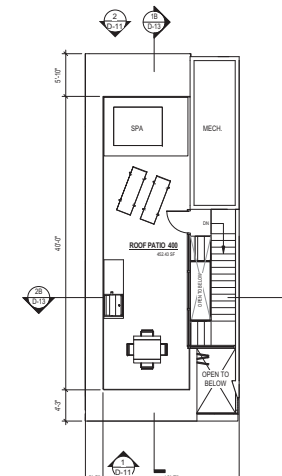
1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"



2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"



3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"



ROOF PLAN
SCALE: 1/8" = 1'-0"

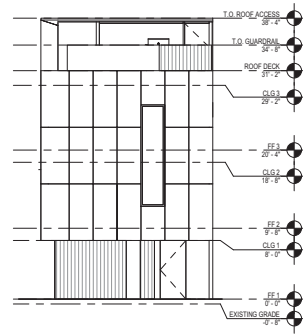
SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

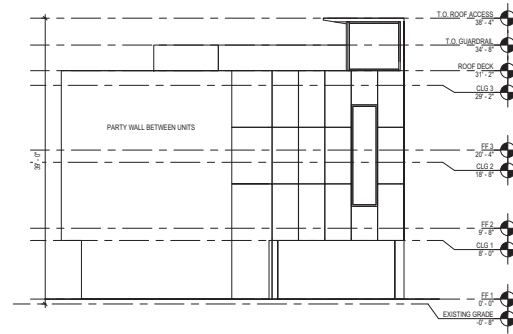
UNIT PLANS & ELEVATIONS

SHEET No. D-11 #1230 3355 + 3303 VIA LIDO

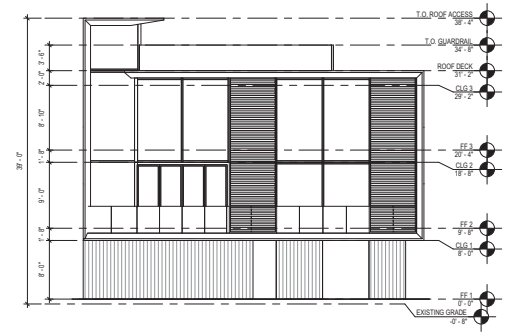
ISLAND UNIT - TYPE 2



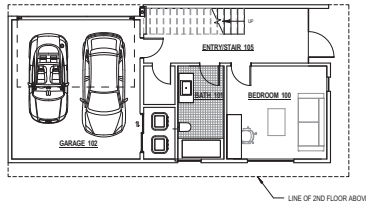
EAST ELEVATION 3
SCALE: 1/8" = 1'-0"



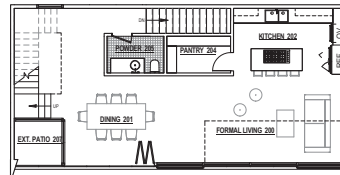
BACK ELEVATION 2
SCALE: 1/8" = 1'-0"



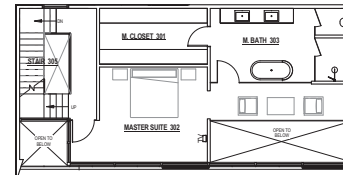
FRONT ELEVATION 1
SCALE: 1/8" = 1'-0"



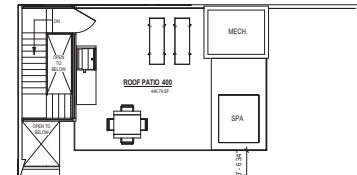
1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"



2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"



3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"



ROOF PLAN
SCALE: 1/8" = 1'-0"

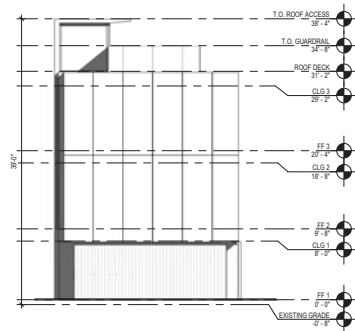
S+D SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

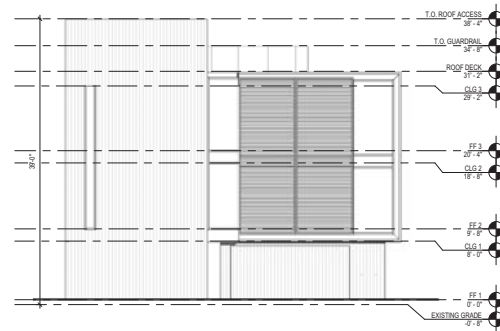
UNIT PLANS & ELEVATIONS

SHEET No. D-12 #1230 3355 + 3303 VIA LIDO

ISLAND UNIT - TYPE 3



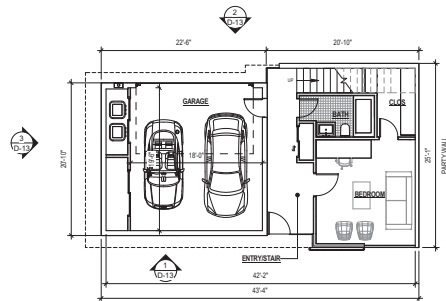
SIDE ELEVATION 3
SCALE: 1/8" = 1'-0"



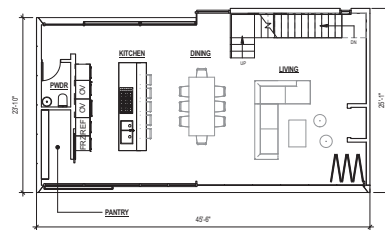
BACK ELEVATION 2
SCALE: 1/8" = 1'-0"



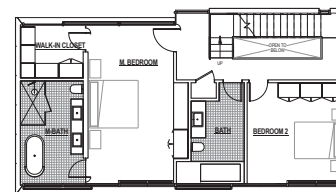
FRONT ELEVATION 1
SCALE: 1/8" = 1'-0"



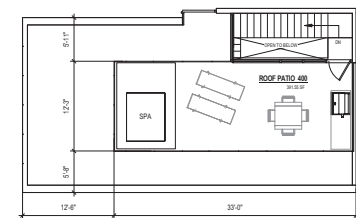
1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"



2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"



3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"



ROOF PLAN
SCALE: 1/8" = 1'-0"

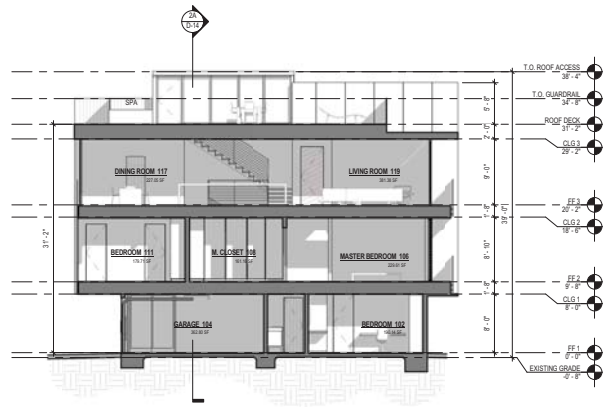
SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

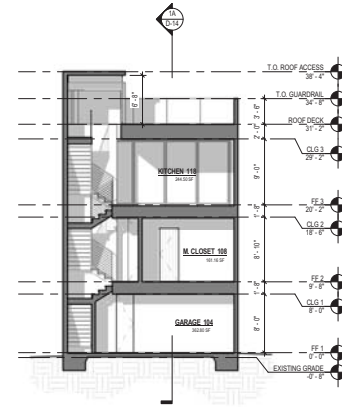
UNIT PLANS & ELEVATIONS

SHEET No. D-13 #1230 3355 + 3303 VIA LIDO

TYPICAL HARBOR UNIT SECTIONS

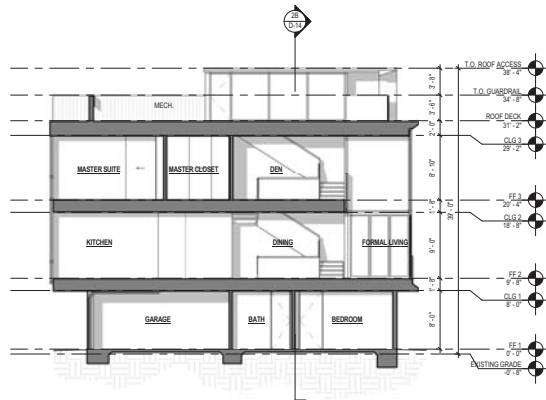


HARBOR UNIT SECTION **1A**
SCALE: 1/8" = 1'-0"

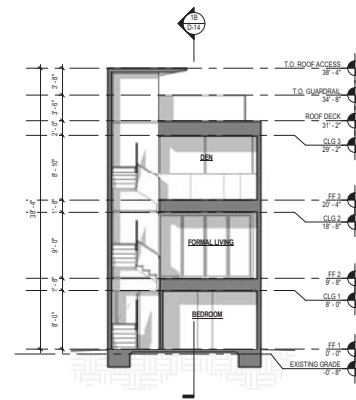


HARBOR UNIT SECTION **2A**
SCALE: 1/8" = 1'-0"

TYPICAL ISLAND UNIT SECTIONS



ISLAND UNIT SECTION **1B**
SCALE: 1/8" = 1'-0"



ISLAND UNIT SECTION **2B**
SCALE: 1/8" = 1'-0"

SHUBIN+DONALDSON ARCHITECTS INC.

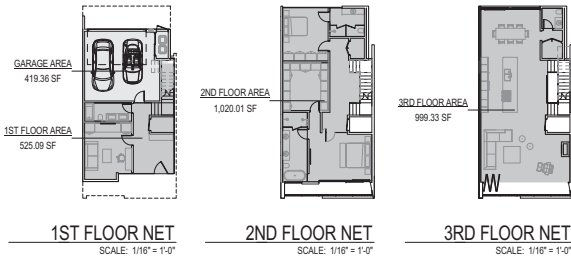
PLANNED COMMUNITY DEVELOPMENT PLAN

UNIT SECTIONS

SHEET No. D-14 #1230 3355 + 3303 VIA LIDO

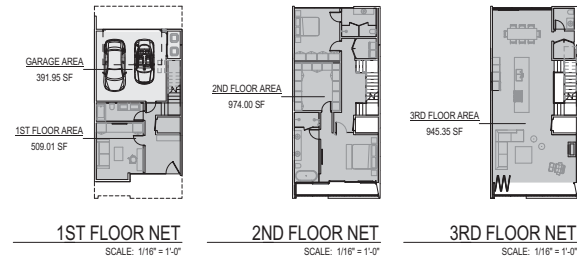
NET AREA CALCULATIONS

HARBOR UNIT - TYPE 1



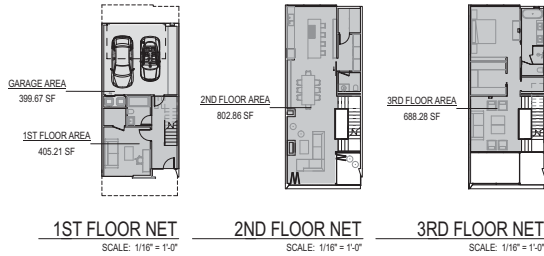
HARBOR TYPE 1 NET AREA			
NAME	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	525.09 SF	LIVING AREA	FF 1
GARAGE AREA	419.36 SF	GARAGE	FF 1
2ND FLOOR AREA	1,020.01 SF	LIVING AREA	FF 2
3RD FLOOR AREA	999.33 SF	LIVING AREA	FF 3
	2,963.79 SF		

HARBOR UNIT - TYPE 2



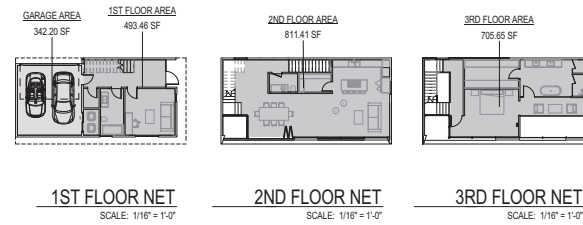
HARBOR TYPE 2 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	509.01 SF	LIVING	FF 1
GARAGE AREA	391.95 SF	GARAGE	FF 1
2ND FLOOR AREA	974.00 SF	LIVING	FF 2
3RD FLOOR AREA	945.35 SF	LIVING	FF 3
	2,820.31 SF		

ISLAND UNIT - TYPE 1



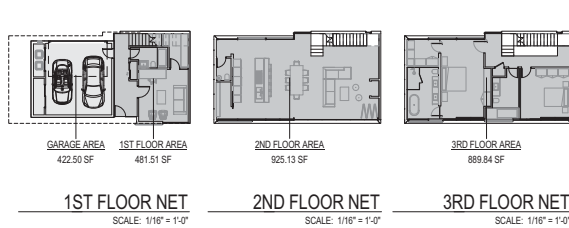
ISLAND UNIT 1 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
GARAGE AREA	399.67 SF	GARAGE	FF 1
1ST FLOOR AREA	405.21 SF	LIVING	FF 1
2ND FLOOR AREA	802.86 SF	LIVING	FF 2
3RD FLOOR AREA	688.28 SF	LIVING	FF 3
	2,296.02 SF		

ISLAND UNIT - TYPE 2

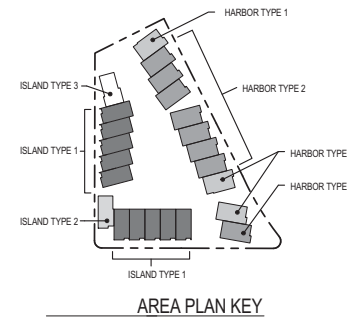


ISLAND UNIT 2 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	493.46 SF	LIVING	FF 1
GARAGE AREA	342.20 SF	GARAGE	FF 1
2ND FLOOR AREA	811.41 SF	LIVING	FF 2
3RD FLOOR AREA	705.65 SF	LIVING	FF 3
	2,352.73 SF		

ISLAND UNIT - TYPE 3



ISLAND TYPE 3 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	481.51 SF	LIVING	FF 1
GARAGE AREA	422.50 SF	GARAGE	FF 1
2ND FLOOR AREA	925.13 SF	LIVING	FF 2
3RD FLOOR AREA	889.84 SF	LIVING	FF 3
	2,718.97 SF		



TOTAL NET AREAS

UNIT TYPE	# OF UNITS	UNIT AREA	TOTAL AREA
HARBOR TYPE 1	3	2,963.79 SF	8,891.37 SF
HARBOR TYPE 2	8	2,820.31 SF	22,562.48 SF
ISLAND TYPE 1	10	2,296.02 SF	22,960.20 SF
ISLAND TYPE 2	1	2,352.73 SF	2,352.73 SF
ISLAND TYPE 3	1	2,718.97 SF	2,718.97 SF
TOTAL AREA			59,485.75 SF

SHUBIN+DONALDSON ARCHITECTS INC.

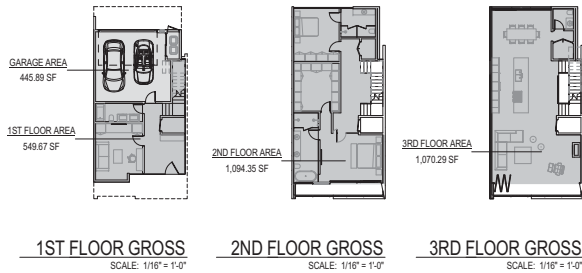
PLANNED COMMUNITY DEVELOPMENT PLAN

NET AREA CALCULATIONS

SHEET No. D-15 #1230 3355 + 3303 VIA LIDO

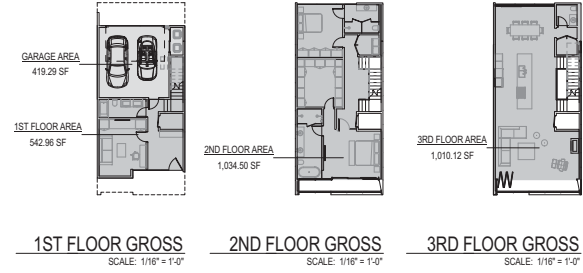
GROSS AREA CALCULATIONS

HARBOR UNIT - TYPE 1



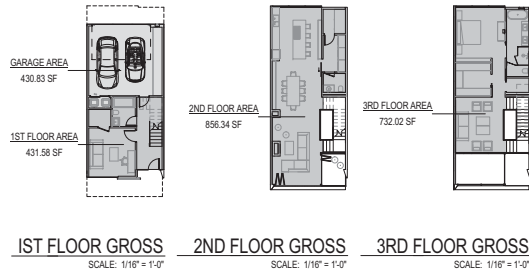
HARBOR TYPE 1 GROSS AREA			
NAME/ LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	549.67 SF	LIVING	FF 1
GARAGE AREA	445.89 SF	GARAGE	FF 1
	995.56 SF		
2ND FLOOR AREA	1,094.35 SF	LIVING	FF 2
	1,094.35 SF		
3RD FLOOR AREA	1,070.29 SF	LIVING	FF 3
	1,070.29 SF		
	3,160.20 SF		

HARBOR UNIT - TYPE 2



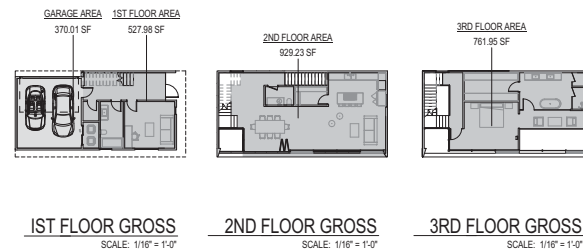
HARBOR TYPE 2 GROSS AREA			
NAME/ LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	542.96 SF	LIVING	FF 1
GARAGE AREA	419.29 SF	GARAGE	FF 1
	962.25 SF		
2ND FLOOR AREA	1,034.50 SF	LIVING	FF 2
	1,034.50 SF		
3RD FLOOR AREA	1,010.12 SF	LIVING	FF 3
	1,010.12 SF		
	3,006.87 SF		

ISLAND UNIT - TYPE 1



ISLAND UNIT 1 GROSS AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	431.58 SF	LIVING	FF 1
GARAGE AREA	430.83 SF	GARAGE	FF 1
	862.41 SF		
2ND FLOOR AREA	859.34 SF	LIVING	FF 2
	859.34 SF		
3RD FLOOR AREA	732.02 SF	LIVING	FF 3
	732.02 SF		
	2,450.76 SF		

ISLAND UNIT - TYPE 2



ISLAND UNIT 2 GROSS AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
GARAGE AREA	370.01 SF	GARAGE	FF 1
1ST FLOOR AREA	527.98 SF	LIVING	FF 1
	897.99 SF		
2ND FLOOR AREA	929.23 SF	LIVING	FF 2
	929.23 SF		
3RD FLOOR AREA	761.95 SF	LIVING	FF 3
	761.95 SF		
	2,589.17 SF		

ISLAND UNIT - TYPE 3



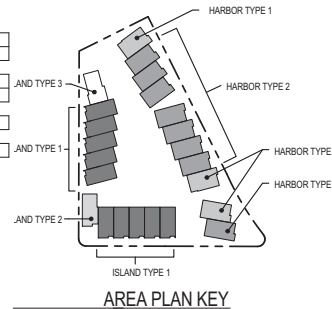
ISLAND TYPE 3 GROSS AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	516.60 SF	LIVING	FF 1
GARAGE AREA	465.28 SF	GARAGE	FF 1
	981.87 SF		
2ND FLOOR AREA	1,014.36 SF	LIVING	FF 2
	1,014.36 SF		
3RD FLOOR AREA	964.06 SF	LIVING	FF 3
	964.06 SF		
	2,960.30 SF		

FAR CALCULATIONS

ALLOWABLE FAR	1.75 X SITE AREA
ALLOWABLE AREA	1.75 X 52,099 SF = 91,173 SF
TOTAL AREA PROPOSED	63,593 - (23 X 400 SF GARAGE AREA)
	= 54,393 SF
PROPOSED FAR	54,393 SF / 52,099 SF
	= 1.05 (TIMES SITE AREA)
PERCENT OF ALLOWABLE FAR	54,393 SF / 91,173 SF
	= 60% OF ALLOWABLE FAR

TOTAL GROSS AREAS

UNIT TYPE	# OF UNITS	UNIT AREA	TOTAL AREA
HARBOR TYPE 1	3	3,160.20 SF	9,480.60 SF
HARBOR TYPE 2	8	3,006.87 SF	24,054.96 SF
ISLAND TYPE 1	10	2,450.76 SF	24,507.60 SF
ISLAND TYPE 2	1	2,589.17 SF	2,589.17 SF
ISLAND TYPE 3	1	2,960.30 SF	2,960.30 SF
TOTAL AREA			63,592.09 SF



SHUBIN+DONALDSON ARCHITECTS INC.

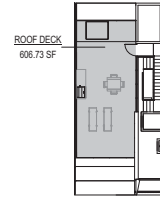
PLANNED COMMUNITY DEVELOPMENT PLAN

GROSS AREA & FAR CALCULATIONS

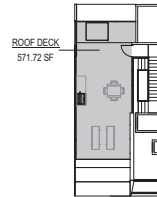
SHEET No. D-16 #1230 3355 + 3303 VIA LIDO



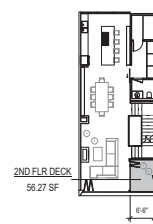
FAR ALLOWED	52,089 SF x 1.175	= 91,173 SF
ALLOWABLE 1ST	23 DU x 1.175	= 14,099 SF
ALLOWABLE 2ND	23 DU x 1.175	= 38,925 SF
ALLOWABLE 3RD	23 DU x 1.175	= 38,925 SF
TOTAL		= 91,149 SF
PROPOSED TOTAL		= 53,383 SF



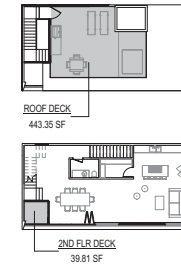
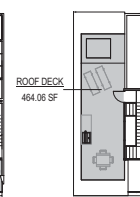
HARBOR UNIT TYPE 1
PRIVATE OPEN SPACE: 524.20 SF



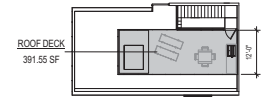
HARBOR UNIT TYPE 2
PRIVATE OPEN SPACE: 527.49 SF



ISLAND UNIT TYPE 1
PRIVATE OPEN SPACE: 515.00 SF



ISLAND UNIT TYPE 2
PRIVATE OPEN SPACE: 539.48 SF

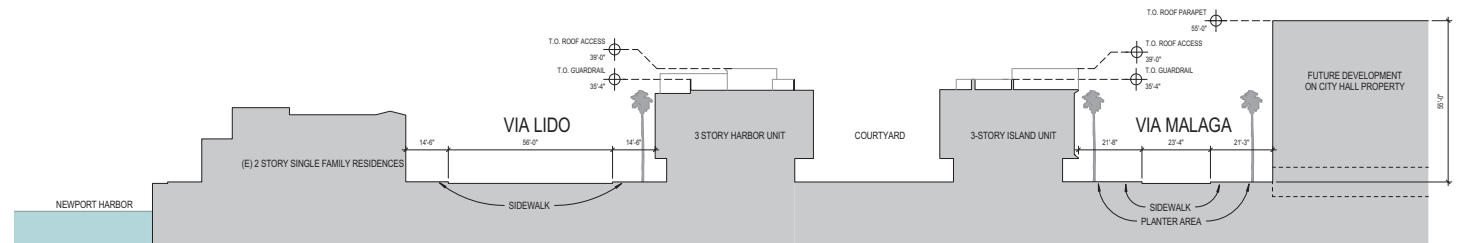
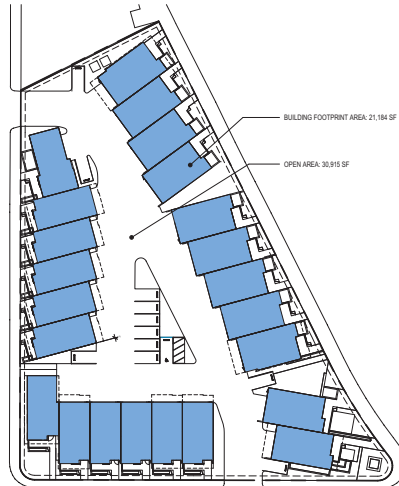


ISLAND UNIT TYPE 3
PRIVATE OPEN SPACE: 437.40 SF

PRIVATE OPEN SPACE REQUIRED: 5% OF DWELLING UNIT GROSS AREA

HARBOR UNIT TYPE 1:	3,161 SF x .05	= 159 SF REQUIRED	<	607 SF PROVIDED
HARBOR UNIT TYPE 2:	3,007 SF x .05	= 151 SF REQUIRED	<	572 SF PROVIDED
ISLAND UNIT TYPE 1:	2,451 SF x .05	= 123 SF REQUIRED	<	521 SF PROVIDED
ISLAND UNIT TYPE 2:	2,580 SF x .05	= 130 SF REQUIRED	<	484 SF PROVIDED
ISLAND UNIT TYPE 3:	2,961 SF x .05	= 149 SF REQUIRED	<	392 SF PROVIDED

PRIVATE OPEN SPACE DIAGRAM 1
SCALE: 1/16" = 1'-0"



SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN SITE DIAGRAMS

SHEET No. D-17 #1230 3355 + 3303 VIA LIDO



LEGEND

- ① LOW STONE PLANTER WALL
- ② 38" HIGH STAINED WOOD PRIVACY FENCE
- ③ ENHANCED PAVING
- ④ GLOWING GLASS AND STONE ADDRESS MARKER AT EACH RESIDENCE ENTRY, TYPICAL
- ⑤ COMMON OPEN SPACE AREA WITH ENHANCED PAVING, SEATING AND LANDSCAPE
- ⑥ ENHANCED VEHICULAR PAVING
- ⑦ GUEST PARKING AREA
- ⑧ WATER FEATURE WITH SPILLWAY
- ⑨ LOW SEATWALL/PLANTER WITH SPECIMEN PALM
- ⑩ 6' HIGH MASONRY WALL WITH HEDGE PLANTING
- ⑪ NEW STREET TREE
- ⑫ SPECIMEN SHADE TREE

NOTE: SEE PLANTING PLAN FOR PLANTING INFORMATION

SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL LANDSCAPE SITE PLAN

SHEET No. L-1 #1230 3355 + 3303 VIA LIDO

LRM

LANDSCAPE ARCHITECTURE FIRM

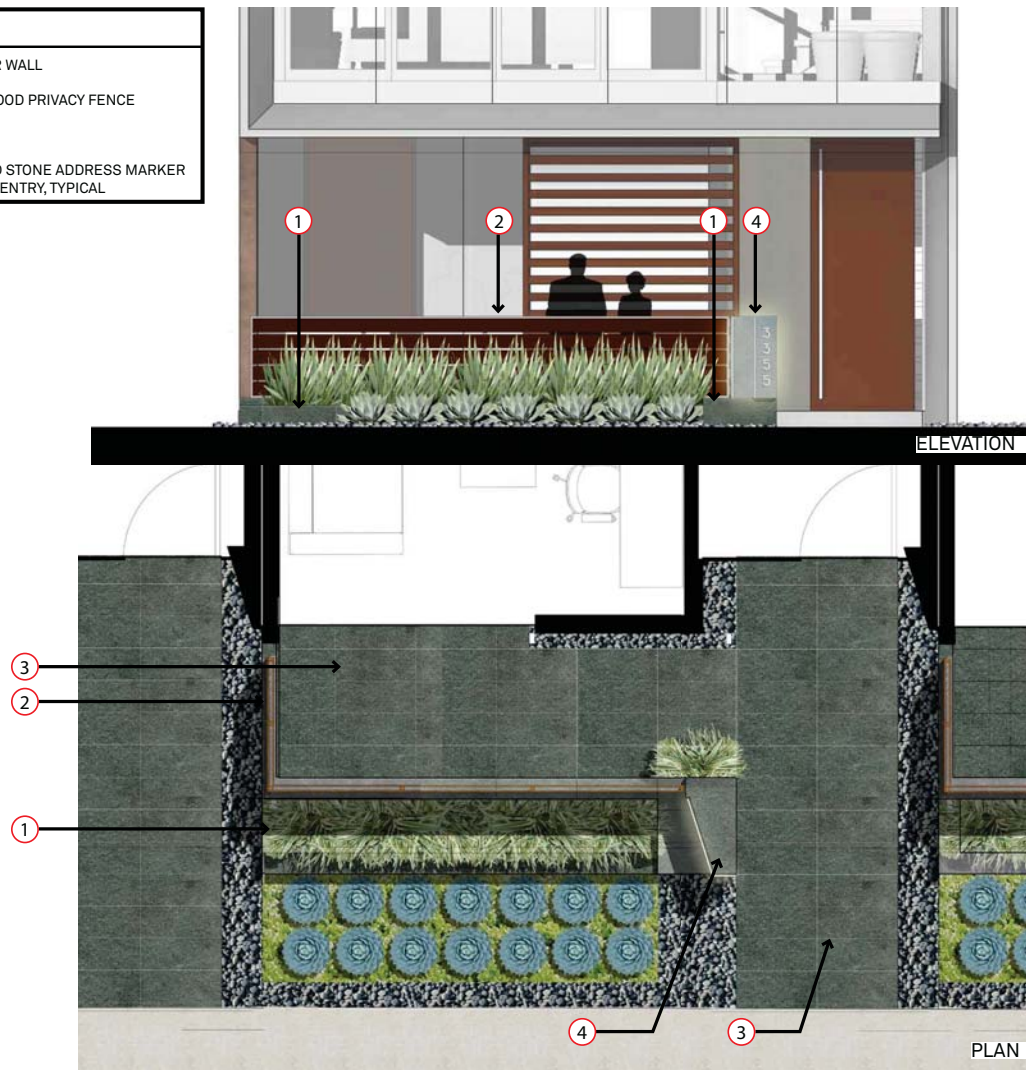
LANDSCAPE ARCHITECTURE FIRM



TYPICAL 'ISLAND' UNIT ON
VIA OPORTO



LEGEND	
1	LOW STONE PLANTER WALL
2	38" HIGH STAINED WOOD PRIVACY FENCE
3	ENHANCED PAVING
4	GLOWING GLASS AND STONE ADDRESS MARKER AT EACH RESIDENCE ENTRY, TYPICAL



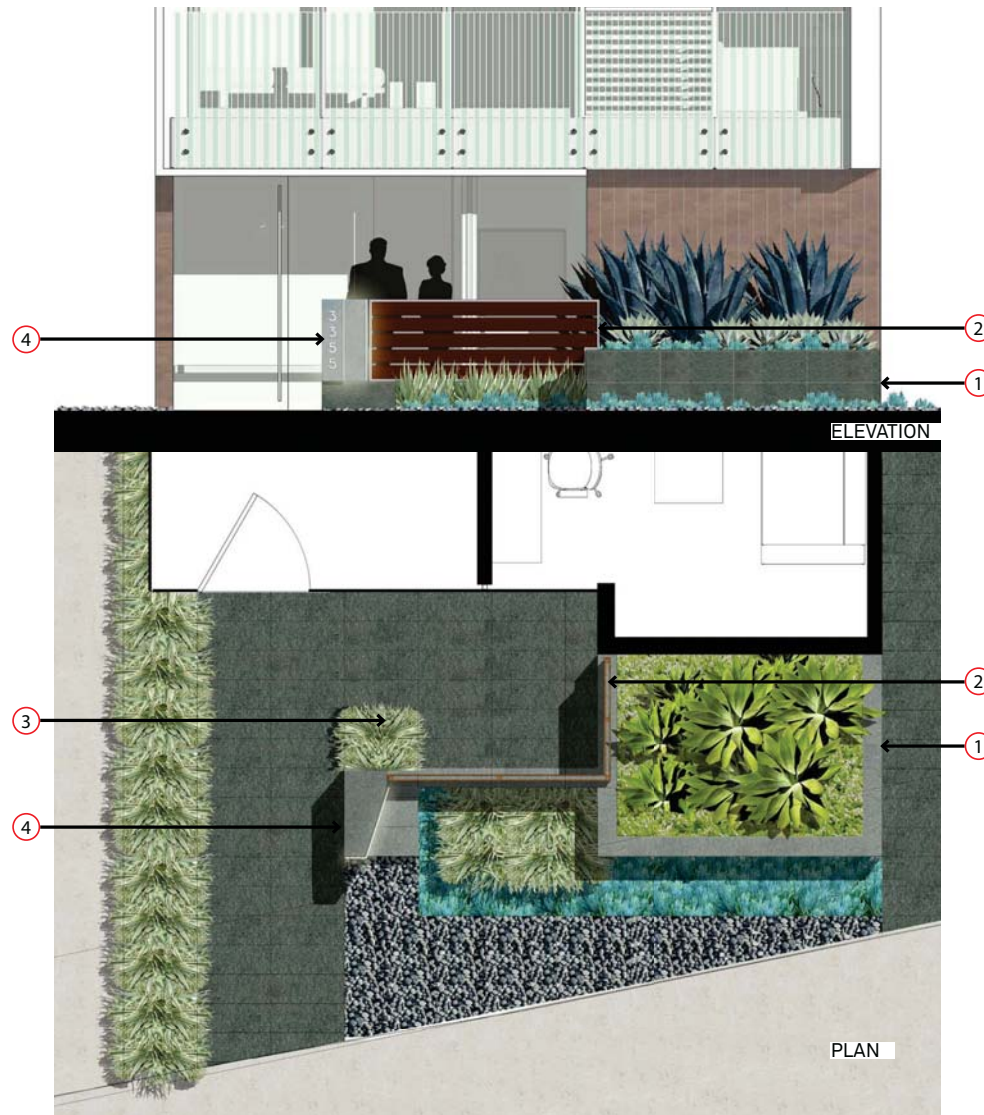
TYPICAL 'ISLAND' UNIT
ON VIA MALAGA

SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

LANDSCAPE ENLARGEMENTS

SHEET No. L-2 #1230 3355 + 3303 VIA LIDO



LEGEND

- ① LOW STONE PLANTER WALL
- ② 38" HIGH STAINED WOOD PRIVACY FENCE
- ③ ENHANCED PAVING
- ④ GLOWING GLASS AND STONE ADDRESS MARKER AT EACH RESIDENCE ENTRY, TYPICAL

TYPICAL 'HARBOR' UNIT
ALONG VIA LIDO

SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

LANDSCAPE ENLARGEMENTS

SHEET No. L-3 #1230 3355 + 3303 VIA LIDO

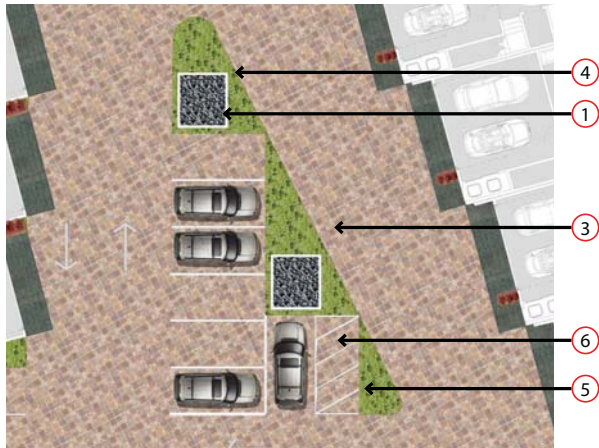
LRM

LANDSCAPE ARCHITECTURE

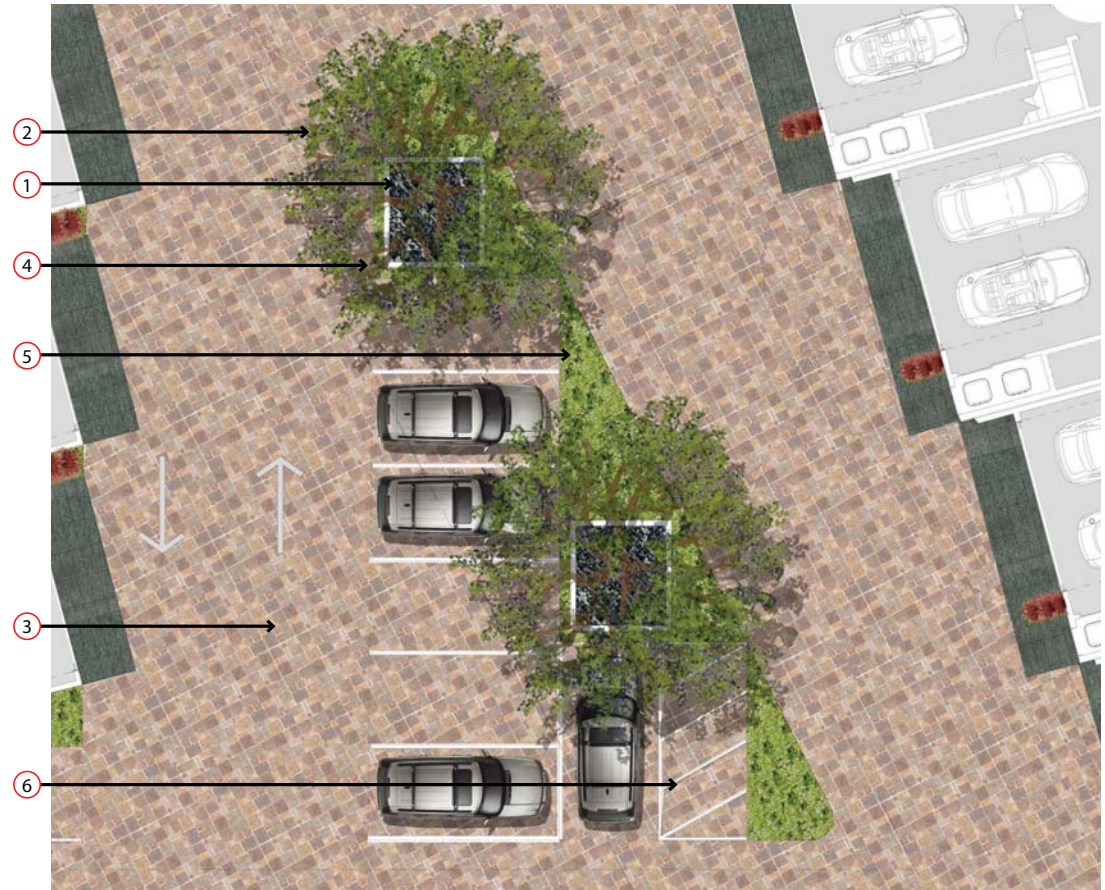
LANDSCAPE ARCHITECTURE

LEGEND

- ① STONE PLANTER WALL (RAISED TO PROTECT TREE FROM HIGH WATER TABLE)
- ② SPECIMEN SHADE TREE
- ③ ENHANCED VEHICULAR PAVING
- ④ ROLLED CURB TO PROTECT WALLS AND PLANTING
- ⑤ SHRUBS AND GROUNDCOVER TO BREAK UP PARKING AREA AND DISTRIBUTE GREEN SPACE THROUGHOUT PARKING FIELD
- ⑥ VAN ACCESSIBLE STALL AND STRIPING



PARKING AREA SHOWN WITHOUT TREES FOR CLARITY

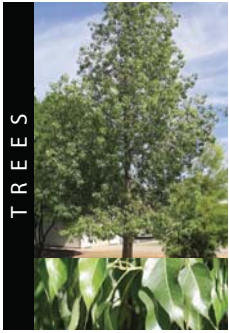


VISITOR PARKING AREA ENLARGEMENT

1. REMOVE ALL EXISTING STREET TREES AND REPLACE AS NOTED ON PLAN.
2. PROVIDE A MINIMUM 5 FOOT (PREFERABLY 6 FOOT) CUT OUT WITH CAST IRON TREE GRATES FOR ALL STREET TREES.
3. ALL PLANTED AREAS WILL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM. INCLUDE 1 VALVE PER STREET AND 2 BUBBLERS PER STREET TREE FROM THE PRIVATE IRRIGATION SYSTEM.



TREES



BRACHYCHITON POPULNEUS
Bottle Tree



CALLISTEMON CITRINUS
Lemon Bottlebrush



CASSIA LEPTOPHYLLA
Gold Medallion Tree



LIGUSTRUM LUCIDUM
Glossy Privet



LOPHOSTEMON CONFERTUS
Brisbane Box

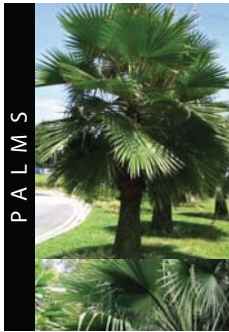


METROSIDEROS EXCELSA
New Zealand Christmas Tree



QUERCUS VIRGINIANA
Southern Live Oak

PALMS



BRAHEA EDULIS
Guadalupe Palm



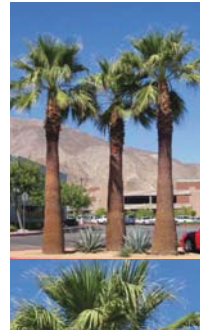
HOWEA FORSTERIANA
Kentia Palm



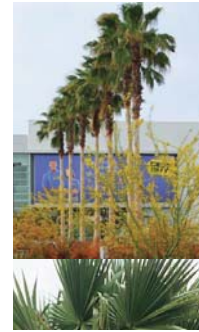
PHOENIX DACTYLIFERA
Date Palm



PHOENIX RECLINATA
Senegal Date Palm



WASHINGTONIA FILIFERA
California Fan Palm



WASHINGTONIA ROBUSTA
Mexican Fan Palm

SHRUBS & GROUNDCOVERS



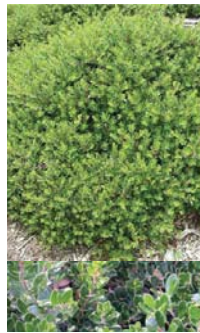
AGAVE ATTENUATA
NCN



ALOE ARBORESCENS
Tree Aloe



ALOE CILIARIS
NCN



ARCTOSTAPHYLOS 'EMERALD CARPET'
Manzanita 'Emerald Carpet'



BACCHARIS PILULARIS
Dwarf Coyote Brush



CAREX TUMULICOLA
Berkeley Sedge



CARISSA 'BOXWOOD BEAUTY'
Natal Plum

SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

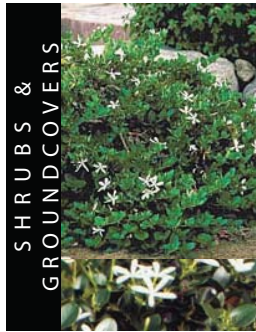
PLANT PALETTE

SHEET No. L-6 #1230 3355 + 3303 VIA LIDO

LRM

LANDSCAPE ARCHITECTURE - SAN DIEGO

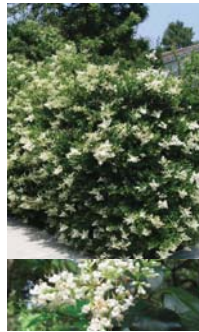
LANDSCAPE ARCHITECTS INC. 1000 10TH AVENUE, SUITE 1000, SAN DIEGO, CA 92101



CARISSA 'TUTTLE'
Natal Plum



LANTANA MONTEVIDENSIS
Lantana



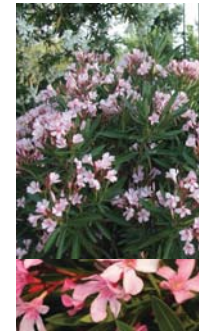
LIGUSTRUM JAPONICUM
Wax Leaf Privet



MUHLENBERGIA CAPILLARIS
Pink Muhly



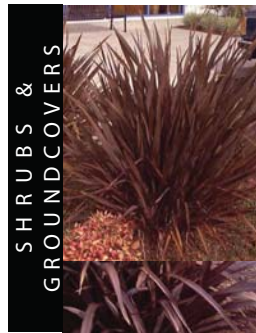
MYRTUS COMMUNIS
Myrtle



NERIUM OLEANDER
Oleander



PENNISETUM SETACEUM 'RUBRUM'
Purple Fountain Grass



PHORMIUM TENAX 'BRONZE BABY'
Bronze Baby New Zealand Flax



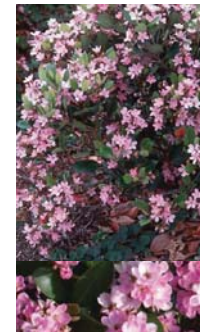
PHORMIUM TENAX 'JACK SPRATT'
Jack Spratt New Zealand Flax



PHORMIUM TENAX 'RADIANCE'
Radiance New Zealand Flax



PITTOSPORUM TOBIRA
Mockorange



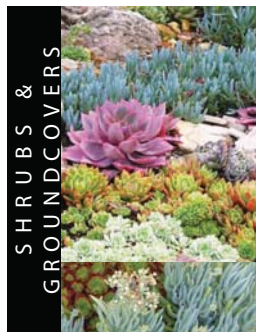
RHAPHIOLEPIS INDICA
Indian Hawthorne



ROSA 'ICEBERG'
Iceberg Rose



SALVIA LEUCANTHA
Mexican Bush Sage



SUCCULENTS
SUCCULENTS



YUCCA FILAMENTOSA
Adam's Needle



SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

PLANT PALETTE

SHEET No. L-7 #1230 3355 + 3303 VIA LIDO



OPEN SPACE REQUIREMENTS

75 SF REQUIRED PER UNIT

75 X 23 UNITS = 1,725 SF OF OPEN SPACE REQUIRED

2,483 SF OF OPEN SPACE PROVIDED

SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

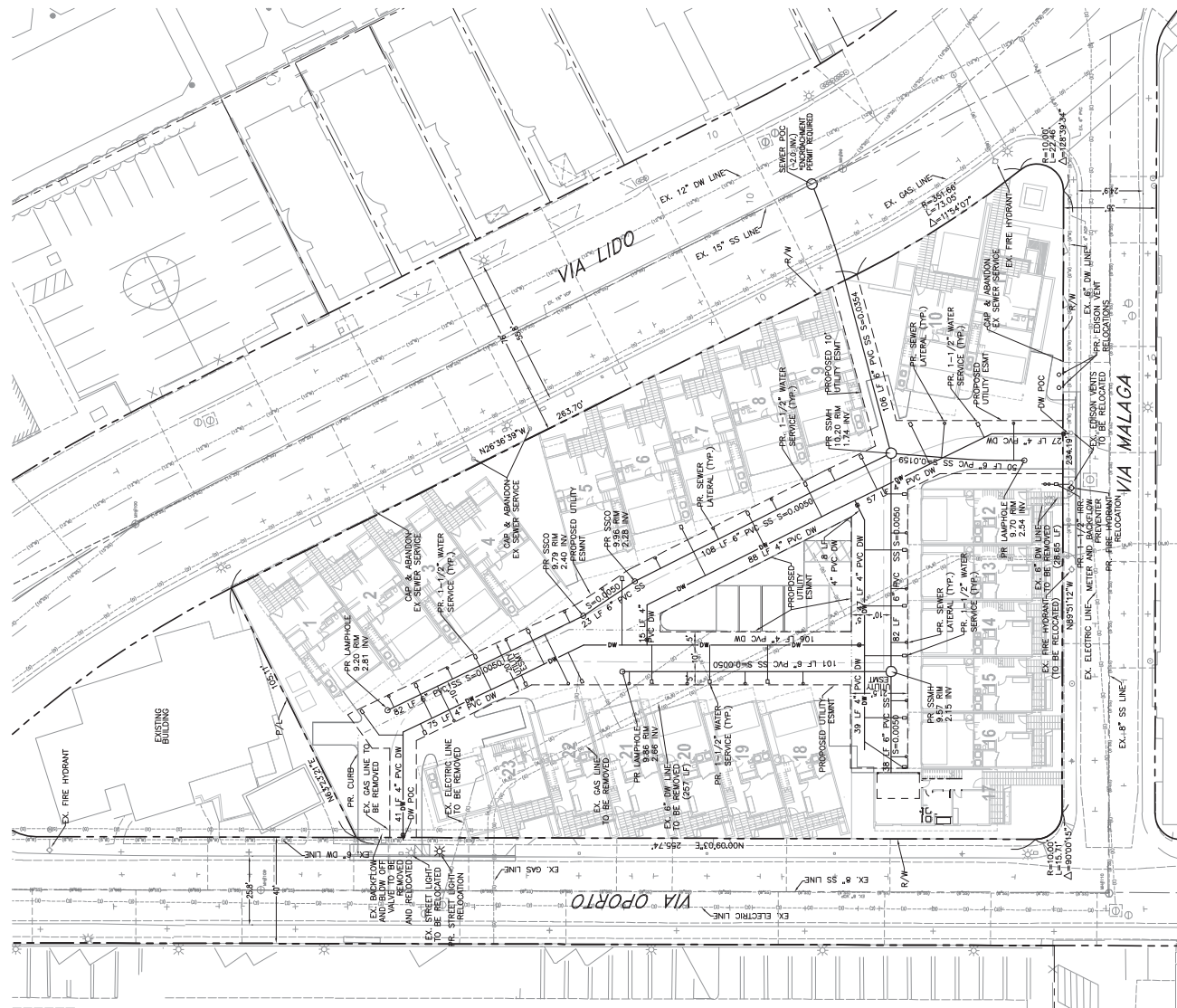
OPEN SPACE CALCULATIONS

SHEET No. L-8 #1230 3355 + 3303 VIA LIDO

1. WATER METERS SHALL BE ACCESSIBLE AT ALL TIMES.
2. WATER METERS SHALL BE AMR (AUTOMATED METER READING), AT OWNER'S COST.
3. ALL UNITS SHALL BE FITTED WITH NFA 13 R FIRE SPRINKLER SYSTEM.
4. EACH SEWER LATERAL SHALL HAVE A CORRESPONDING CLEAMOUT PER STD-406-L, TO BE LOCATED WITHIN EASEMENT.
5. ALL UNUSED SEWER LATERALS SHALL BE CAPPED AT PROPERTY LINE.
6. ALL UNUSED WATER SERVICES SHALL BE CAPPED AT MAIN (CORPORATION STREET)

EXISTING FIRE HYDRANT	EXISTING	PROPERTY LINE	RIGHT OF WAY	PROPOSED	DOMESTIC WATER	POINT OF CONNECTION	CENTERLINE	PROPERTY LINE / RIGHT-OF-WAY	PROPOSED SEWER MAIN	PROPOSED DOMESTIC WATER MAIN	PROPOSED SEWER MAIN	PROPOSED WATER METER	PROPOSED UTILITY EASEMENT	EX. UTILITY (AS LABELED)
EX.	P/L	R/W	PR.	DW	POC				10"	Ø	Ø			

1" = 20'

[illegible]

PIANS PREPARED BY:



C&W
CONSULTING, INC.
CIVIL ENGINEERING
LAND PLANNING & SURVEYING

27186 BUREAU
FOOTHILL RANCH, CA 92610

T. 949.916.3900
F. 949.916.3908
CVO-INC.NET

Nova, Makana

From: Sieglinde Pukke [spukke@sandarc.com]
Sent: Wednesday, August 21, 2013 11:18 AM
To: Nova, Makana
Cc: Campbell, James; Robin Donaldson; Steve.Mills@dart.biz
Subject: 3355 and 3303 Via Lido: PC meeting

Dear Makana,

Due to the concern of the commissioners of not having enough time to review all project related materials we would like to request that the project will be reviewed in the next PC hearing on September 5th instead of tomorrow evening. Thank you and best regards,

Sieglinde Pukke

PRINCIPAL, AIA, LEED A.P.

SHUBIN+DONALDSON ARCHITECTS, INC.

3890 La Cumbre Plaza Lane, Suite 200

SANTA BARBARA, CA 93105

T: 805.682.7000 x131

F: 805.682.7001

www.shubinanddonaldson.com

spukke@sandarc.com



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4

STATUS

Received

08/22/2013 1:45PM FAX 9496501181

HAWKINS LAW OFFICES

0001/0004

Law Offices of Robert C. Hawkins

110 Newport Center Drive, Suite 200

Newport Beach, California 92660

(949) 650-5550

Fax: (949) 650-1181

FAX COVER SHEET

TRANSMITTED TO:

NAME	FAX NUMBER	PHONE NUMBER
Kimberly Brandt; Makana Nova	(949) 644-3229	
Leilani Brown, City Clerk	(949) 644-3039	

From: Robert C. Hawkins
 Client/Matter: Friends
 Date: August 22, 2013
 Documents: Comments on Lido Villas MND
 Pages: 3*
 COMMENTS: Original will follow as indicated.

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LAW OFFICES OF ROBERT C. HAWKINS

August 22, 2013

Via Facsimile Only

Michael L. Toerge, Chair
Members of the Planning Commission
c/o Makana Nova, Assistant Planner
Department of Community Development
City of Newport Beach
100 Civic Center Drive, Area "C"
Newport Beach, California 92660

Re: Comments on the Mitigated Negative Declaration ("MND") for the Lido Villas Project- (PA2012-146) located at 3303 and 3355 Via Lido (the "Project").

Greetings:

Thank you for the opportunity to comment on the captioned matter. This firm represents Friends of Dolores, a community action group dedicated to ensuring compliance with state and local laws including the California Environmental Quality Act, Public Resources Code sections 21000 et seq., Friends of City Hall, a community action group dedicated the preservation of the "City Hall" area for civic purposes, and others in the City in connection with the captioned matter.

Although we have not had an opportunity to comment on the captioned DMND and plan to offer extensive comments at any subsequent hearing, we offer these initial comments on an important matter ignored in the DMND and misunderstood in the Staff Report: the Section 423, Greenlight initiative, requires a vote for the captioned project.

The California Environmental Quality Act, ("CEQA"), Public Resources Code sections 21083 and 21083.5 requires that environmental analysis include an analysis of the Project's cumulative impacts. However, the MND contains no such analysis. Importantly, it fails to analysis the pending City Hall Re-use Project.

More importantly, the MND contains no analysis of the Greenlight requirements of the City's Charter. Section 423 requires:

14 Corporate Plaza, Suite 120
Newport Beach, California 92660
(949) 650-5550
FAX: (949) 650-1181

Michael L Toerge, Chair
Members of the Planning Commission

- 2 -

August 22, 2013

"Charter Section 423 requires an analysis of the density, intensity, and peak hour traffic associated with a proposed General Plan Amendment ('GPA'). When increases in density, intensity, and peak hour traffic of a proposed GPA 11 along with 80 percent of the increases of prior amendments exceed specified thresholds, the proposed GPA is considered to be a 'major amendment' that requires voter approval. The specified thresholds are 100 dwelling units (density), 40,000 square feet of floor area (intensity), and 100 peak hour trips (traffic). City Council Policy A-18 establishes the Guidelines for implementation of City Charter Section 423 and provides specific guidance as to the density, intensity and traffic thresholds for the analysis."

City Hall Reuse, Negative Declaration, page 112-113 (Emphasis in original). The Negative Declaration and supporting Staff Reports recognized that the City Hall Reuse Project which includes 99 residential units would take all units and square footage under Section 423. Therefore, the City Hall Reuse environmental document and supporting staff reports recognize that the Project requires a vote.

The Staff Report attempts to include a Section 423 analysis but it fails to consider the City Hall Reuse Negative Declaration. This Commission heard and recommended approval of the City Hall Reuse MND but the City Council continued the matter "indefinitely." The City Hall Reuse Negative Declaration remains the only environmental analysis for the City Hall Reuse Project, which includes 99 dwelling units.

Staff may argue that the Council has decided not to move forward with the residential project and therefore the above is inapplicable. However, this is in error. As indicated above, the only environmental analysis of the City Hall Reuse Project remains the Negative Declaration. The City has not withdrawn that document or issued a Notice regarding any proposed alternative project. Hence, under the current sets of Project, the captioned Project will require a vote under Section 423.

The MND must be revised to include analysis of the Section 423 problems.

In addition, the MND refers to the Lido Village Village Design Guidelines. However, these Guidelines are not regulatory and have not regulatory effect. Nonetheless, the MND still regards them as regulatory and relies on the Guidelines to show that the Project will have no impacts. The MND must be revised to include an analysis of the environmental impacts for the compliance with such non regulatory Guidelines.

In conclusion, the MND is totally inadequate. Good and sound policy reasons and good planning require the preparation of an EIR. Such an EIR would analyze all impacts including Section 423 and those caused by compliance with any guidelines, and any other impacts, would include a discussion of Project alternatives which is necessary for the Project to go forward, and would allow the City to override any significant an unmitigated impacts.

Michael L. Toerge, Chair
Members of the Planning Commission

- 3 -

August 22, 2013

Thank you, again, for the opportunity to comment on the FMND. Please provide us with notice of any responses to these comments in a non-italicized format and with notices of any and all hearings on the captioned project and fmnd.

Of course, should you have any questions, please do not hesitate to contact me.

Sincerely,

LAW OFFICES OF ROBERT C. HAWKINS


by: Robert C. Hawkins

RCII/kw

cc: Leilani Brown, City Clerk (Via Facsimile Only)

14 Corporate Plaza, Suite 120
Newport Beach, California 92660
(949) 650-5550
Fax: (949) 650-1181

Lido Villas



Planning Commission, Public Hearing
3303 and 3355 Via Lido
August 22, 2013



Project Summary

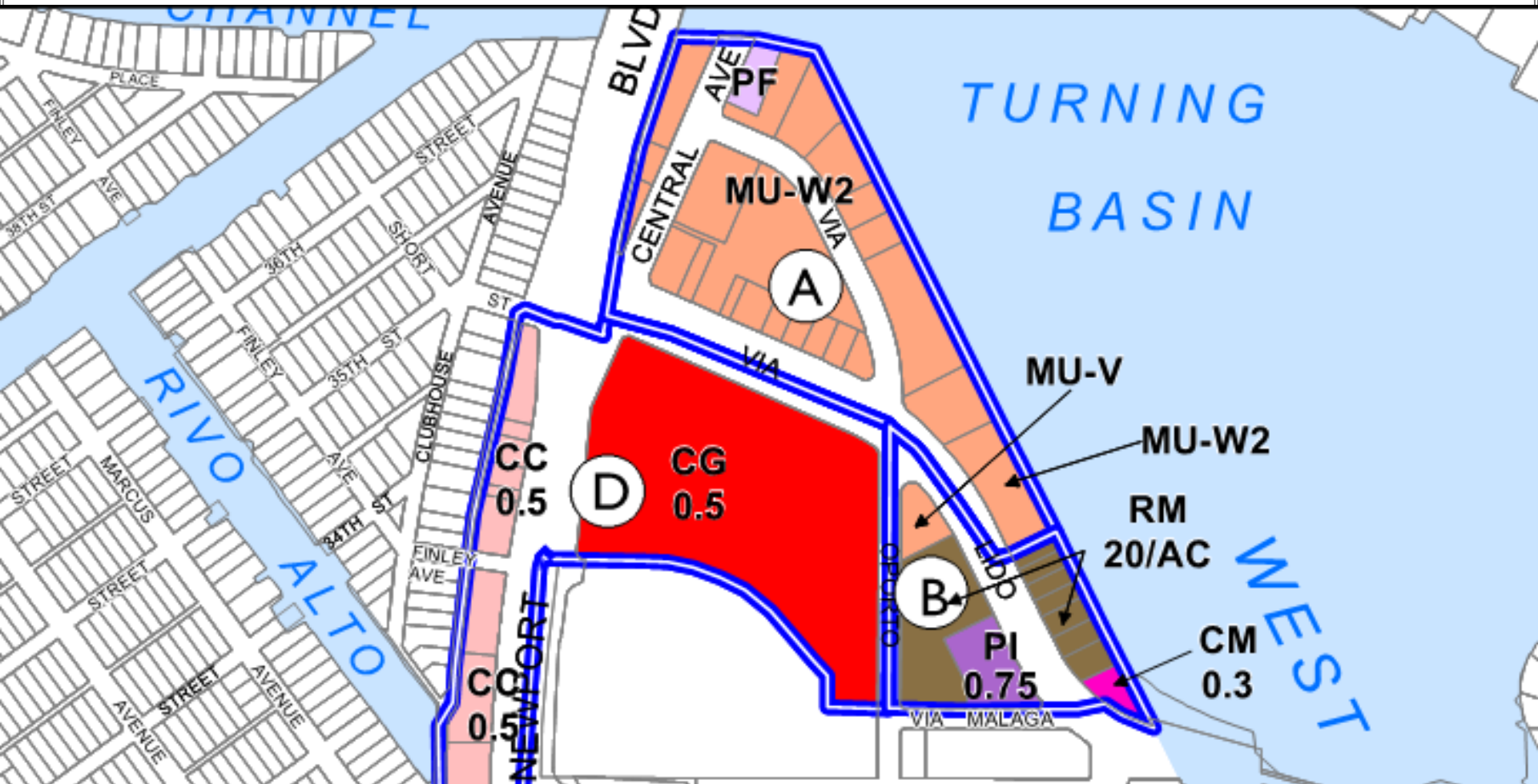
- Demolish 3-story office/retail building, church, and 56-space parking lot
- Construct 23 townhouse-style condominium dwellings and 12-space guest parking area

Applications (PA2012-146)



- General Plan Amendment No. GP2012-005
- Coastal Land Use Plan Amendment No. LC2013-001
- Zoning Code Amendment No. CA2012-008
- Site Development Review No. SD2013-001
- Tentative Tract Map No. NT2013-001
- Mitigated Negative Declaration No. ND2013-001

Vicinity Map-Lido Village



Aerial Photograph



Oblique Aerial facing East



3303 Via Lido from Via Lido



3303 Via Lido from Via Lido



3355 Via Lido-from Via Lido



56-space surface parking lot



3303 Via Lido from Via Malaga

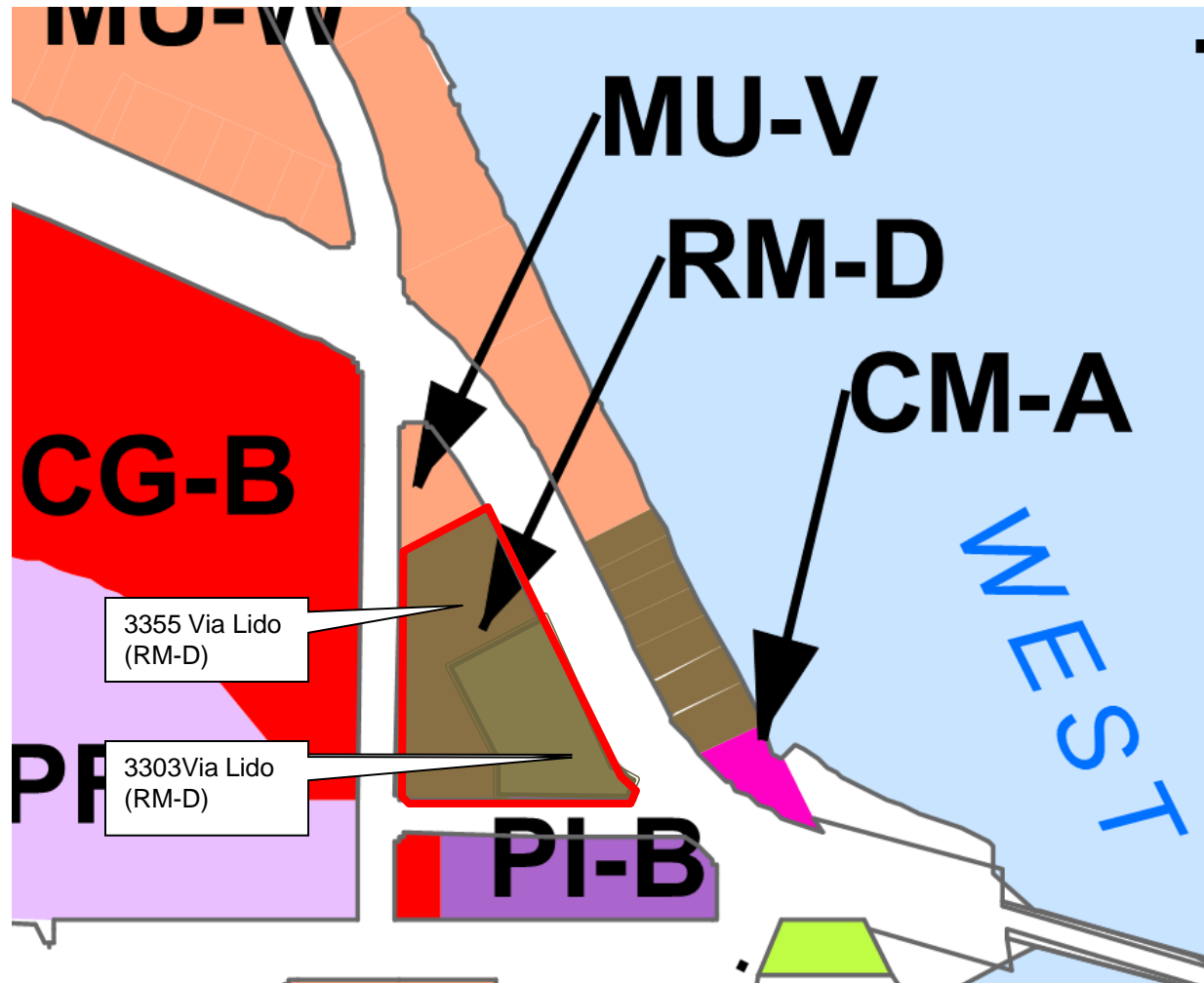


GP Amendment

- Section 423-
Not a major
amendment
- SB-18 Tribal
Notification
is ongoing



CLUP Amendment



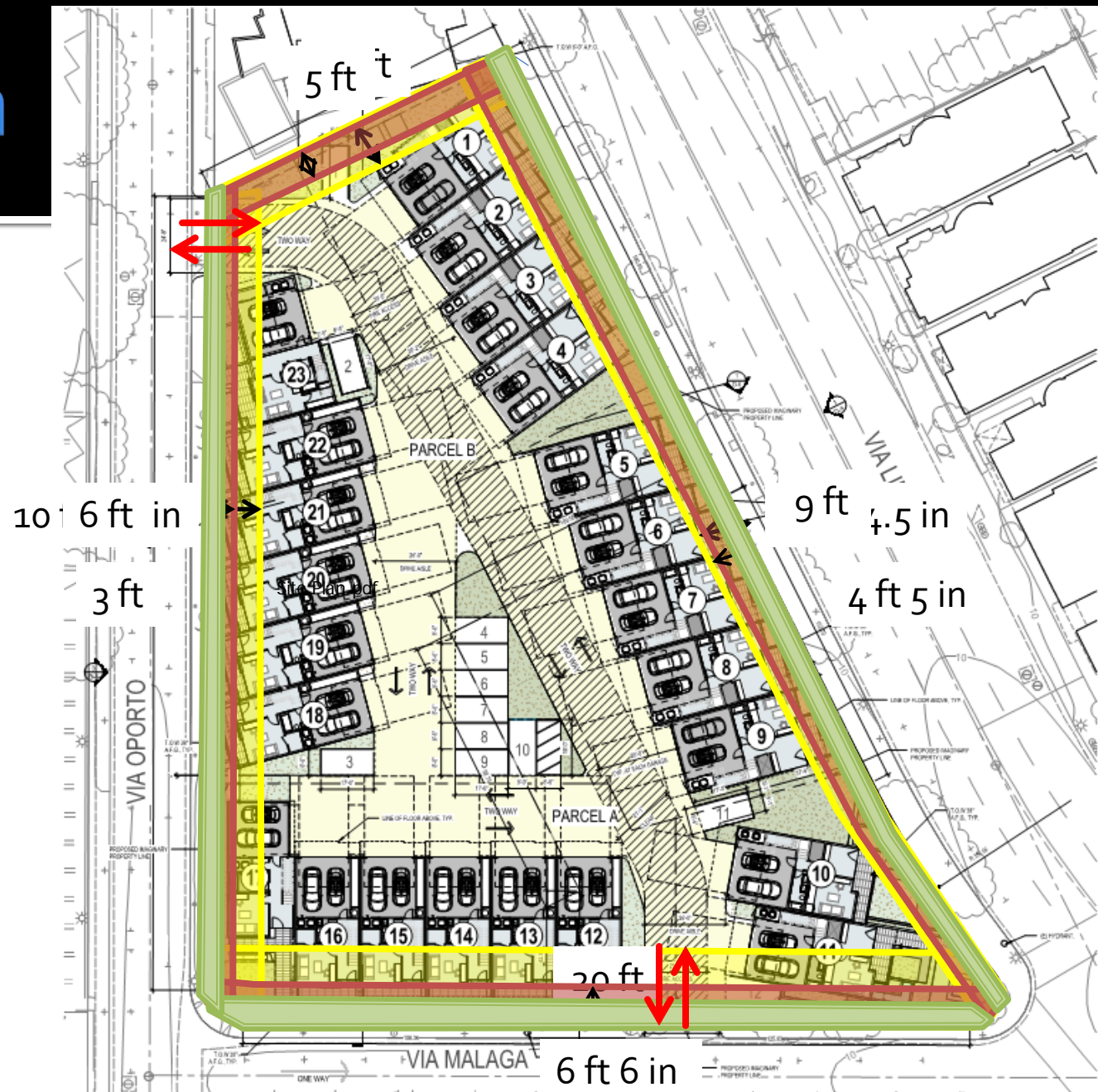
Zoning Amendment



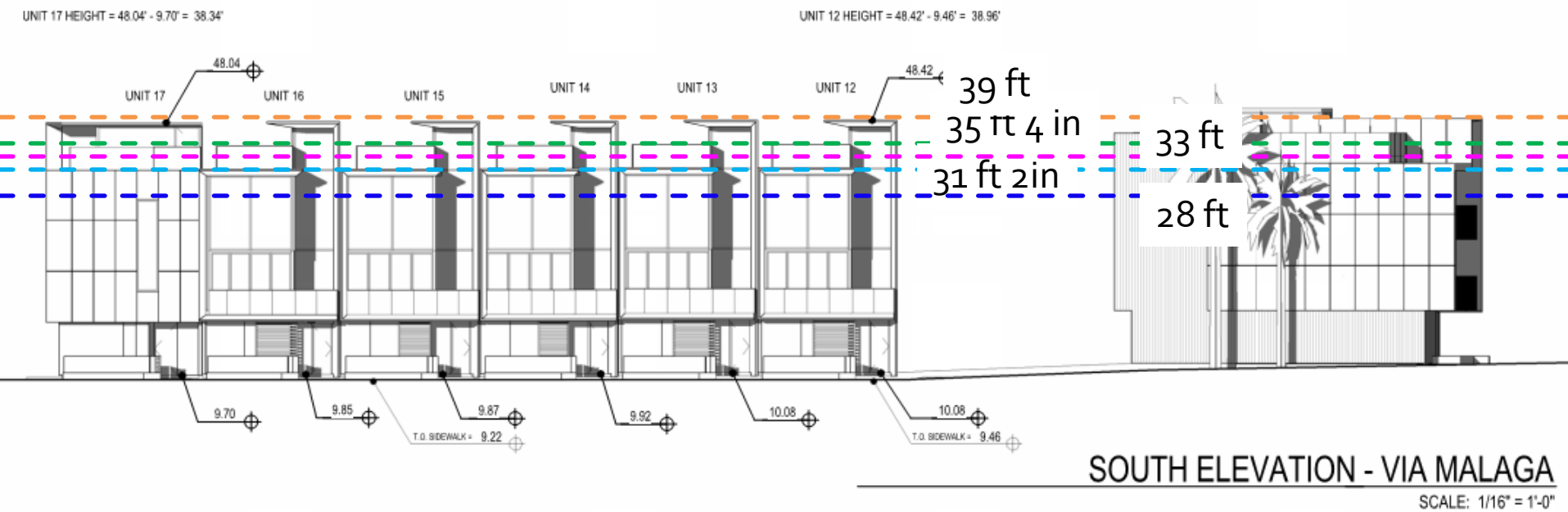
Lido Villas Planned Community

- Establish a planned community with development standards appropriate and compatible with Lido Village.
- Development standards are modeled after the RM Zoning District.
- Variations in height and setbacks are proposed.
- Waiver of 10 acre minimum.

Site Plan



Exterior Elevations-South



Lido Village Design Guidelines



Lido Triangle Goals



- Improvements should be sensitive to the less-intensive land uses of worship and residential sites.
- Traffic calming devices should be incorporated to promote safe street environments.
- Building and massing should be horizontal to reinforce the pedestrian interface.
- Pursue joint parking opportunities.

Architectural Themes

- Design Guidelines suggest Coastal or Mediterranean architectural themes or a combination thereof.
- Building materials consist of wood siding, stainless steel panels, and glass railings creating a modern interpretation.
- Guidelines are not standards.

Common Open Space



23



CEQA Review



- Mitigated Negative Declaration-ND2013-001
- State Clearing House No. 2013071050
- Public comment period July 12, 2013 through August 13, 2013.
- Mitigation Measures for Air Quality, Cultural Resources, and Hazards and Hazardous Materials are included in the Mitigation Monitoring Program.

Summary



- Land use amendments are compatible with the Lido Village neighborhood (add of 7 units).
- Land use and site design of the project are appropriate. Height and architecture may warrant additional discussion.
- Identify any suggested changes to project design, if appropriate.
- Tentative Council date is November 12, 2013



For more information contact:

Makana Nova
949-644-3249
mnova@newportbeachca.gov
www.newportbeachca.gov

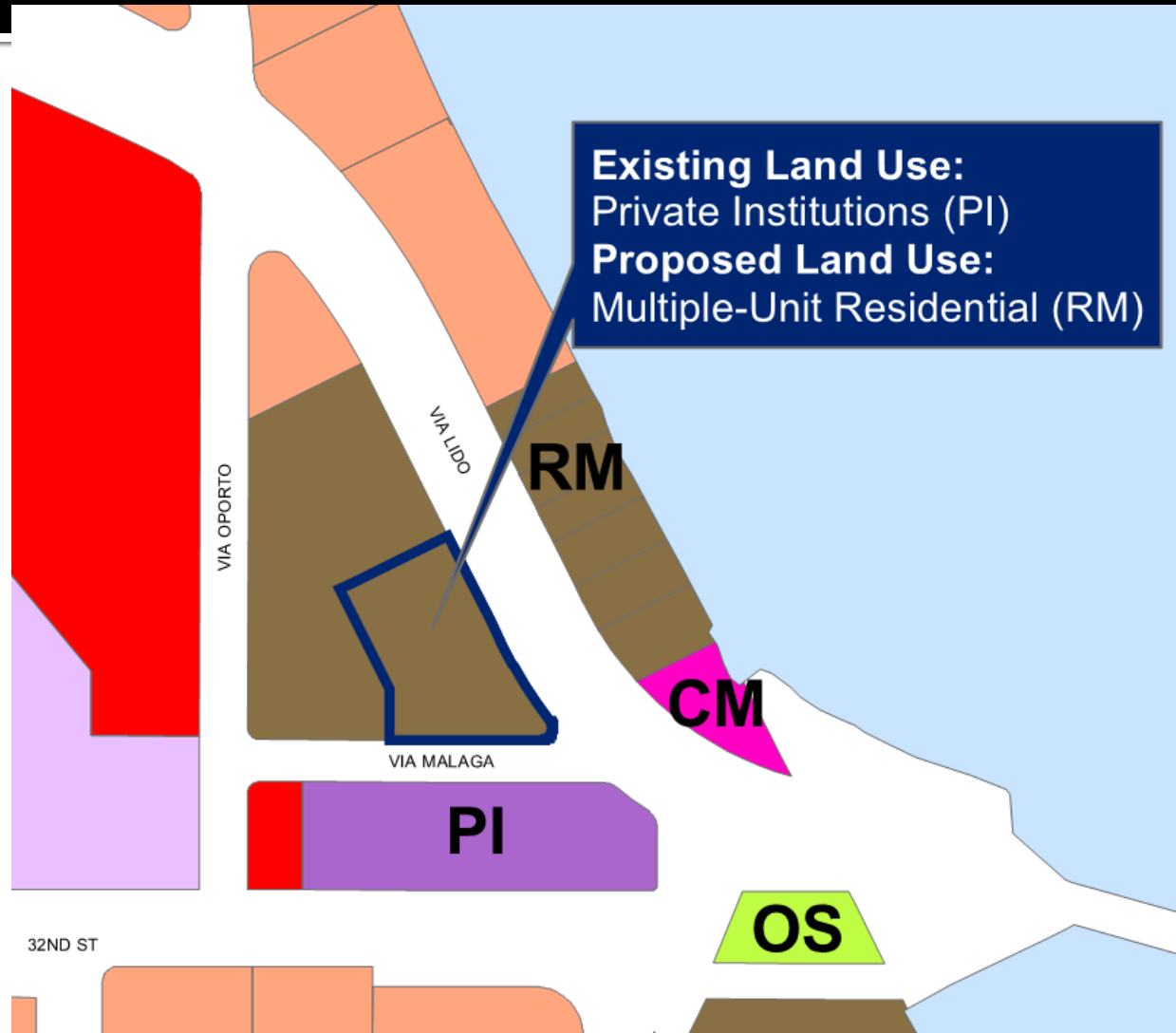
Architecture



Oblique Aerial facing South



GP Amendment



Section 423

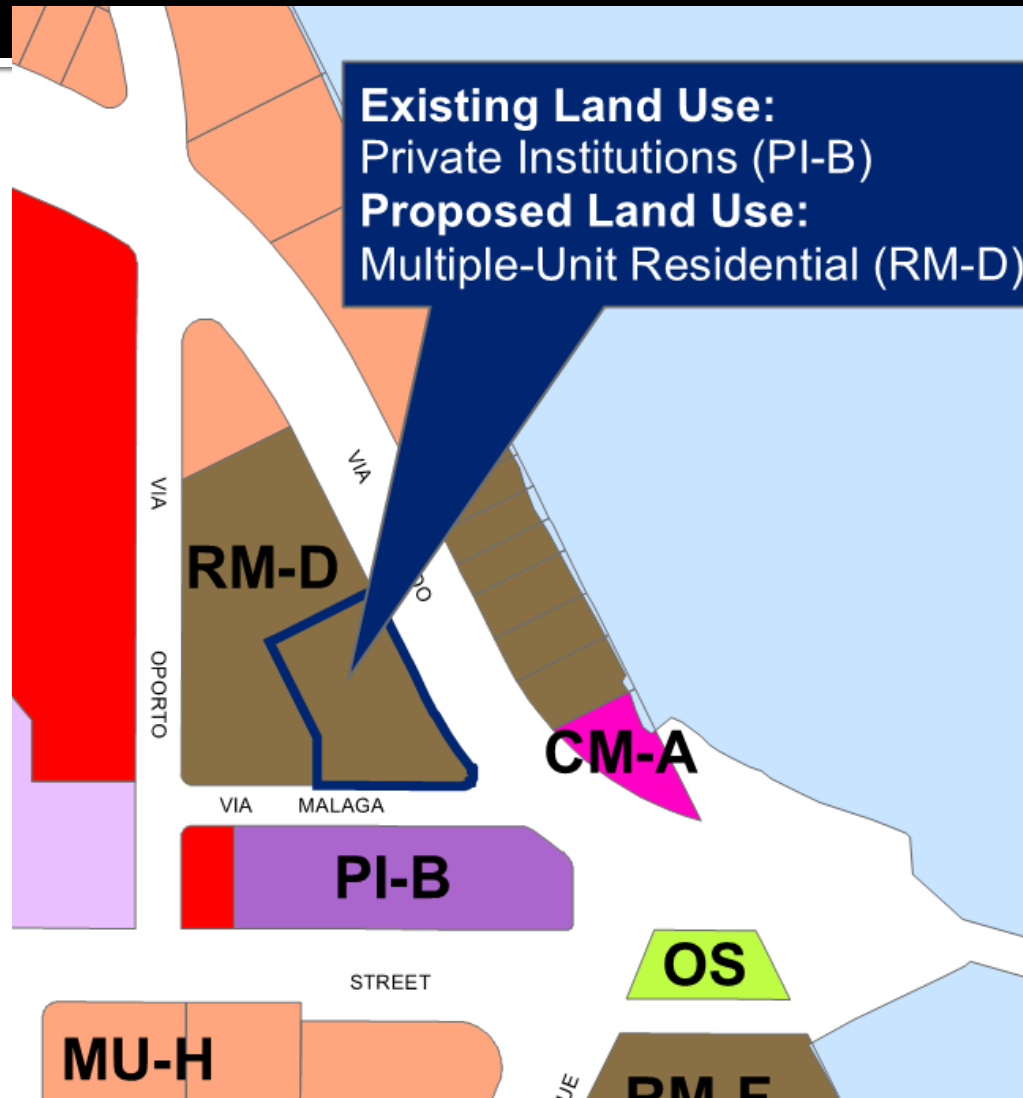


	Increase in Allowed Floor Area	Increase in A.M. Peak Hour Trips	Increase in P.M. Peak Hour Trips	Increase in Allowed Dwelling Units
GP2012-005 (PA2012-146) 3303 Via Lido	0 sq. ft.	0	0	7
Prior Amendments (80%)				
1. GP2011-010 (PA2011-209)	16,275	48.63	64.81	2
2. GP2011-003 (PA2011-024)				
3. GP2010-005 (PA2010-052)				
TOTALS	16,275	48.63	64.81	9
Section 423 Thresholds	40,000 sq. ft.	100	100	100
Vote	No	No	No	No

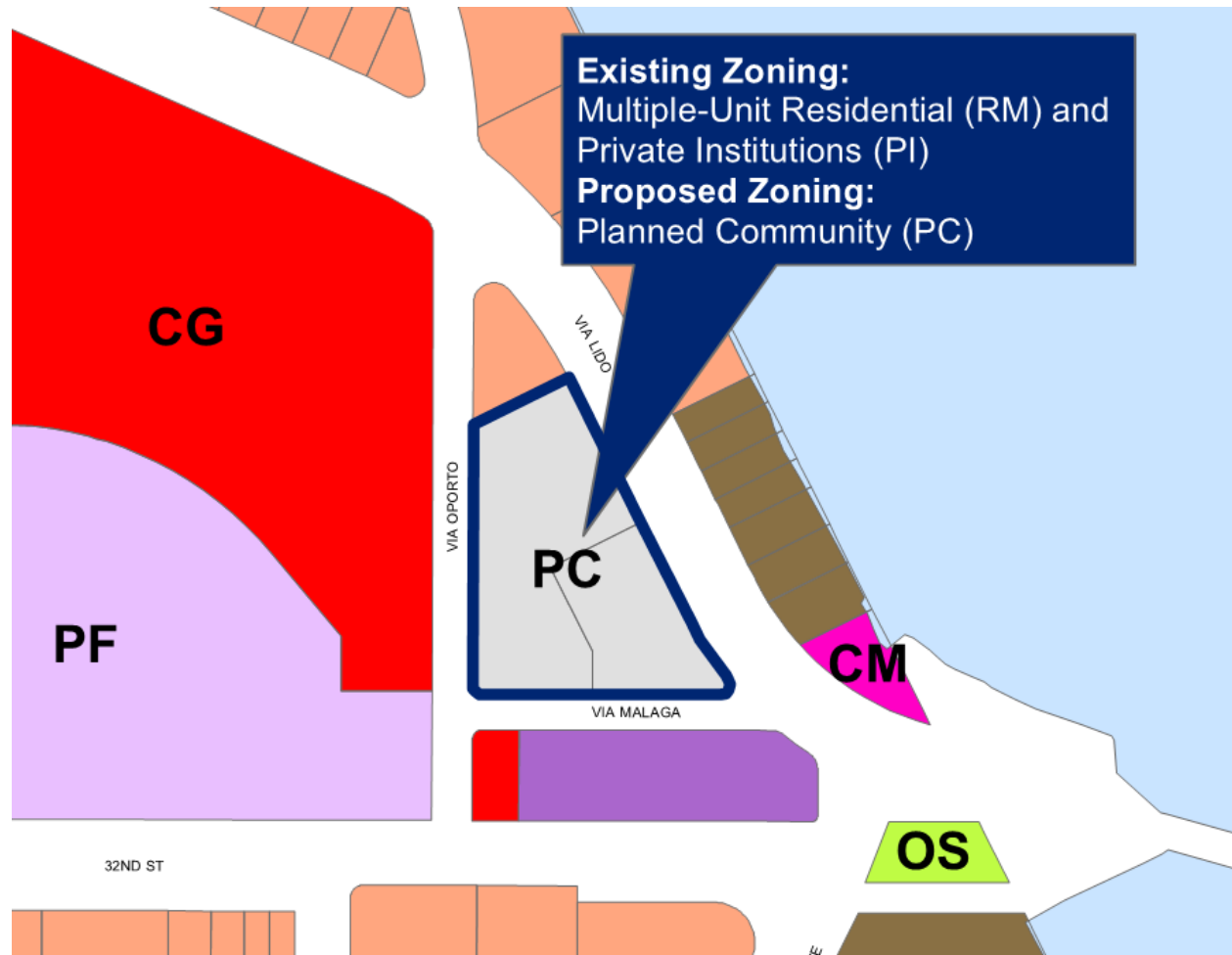
SB-18 Tribal Notification

- NAHC provided a list identifying 14 contacts with the MND
- 90-day consultation period ending November 4, 2013.
- A second round of notices sent August 6th
- A 45-day review period has been requested, which would end September 20th. Staff is awaiting responses from several contacts regarding this request.

CLUP Amendment

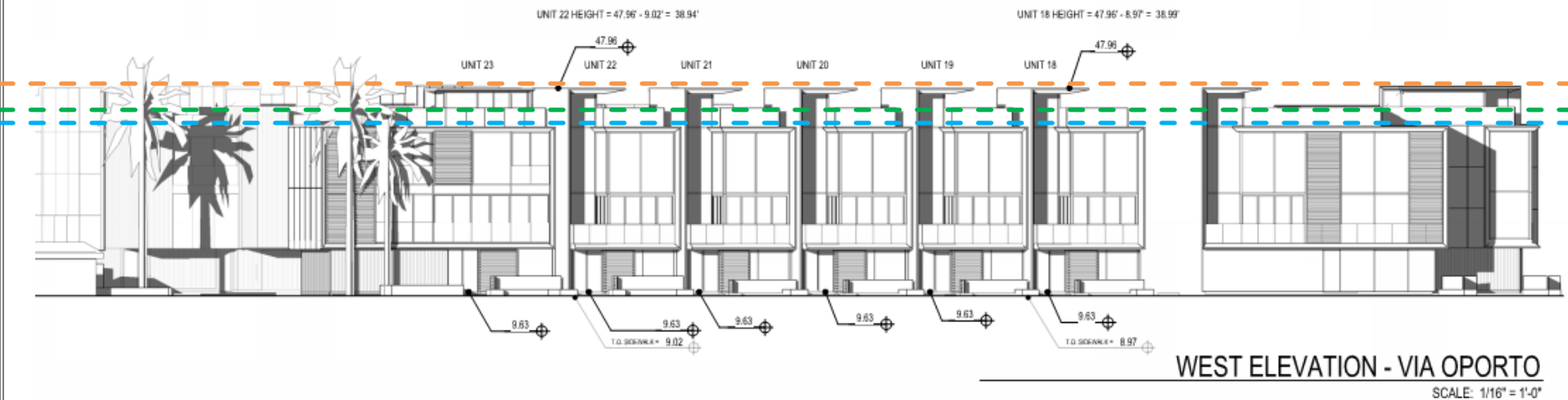


Zoning Amendment

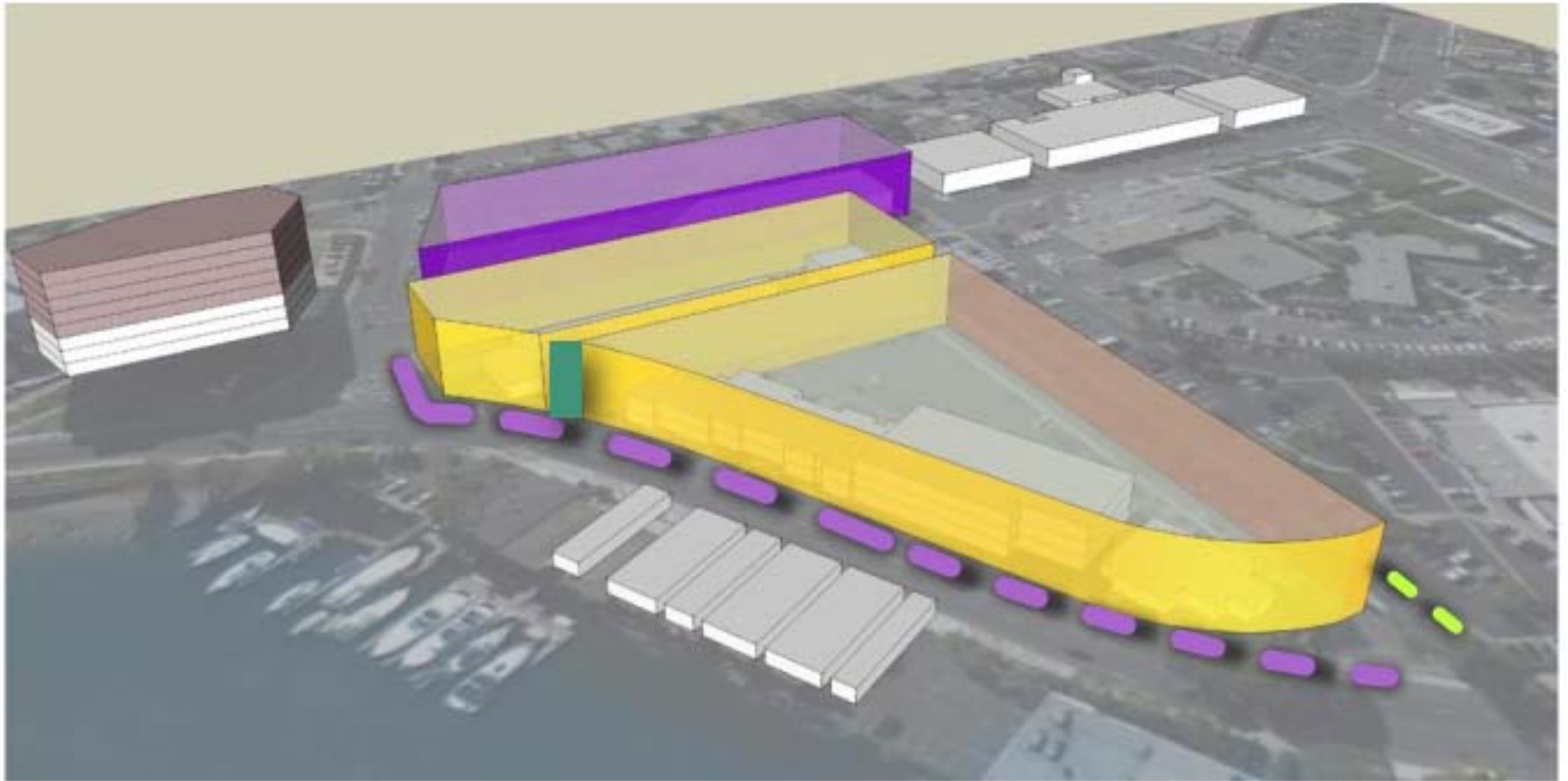




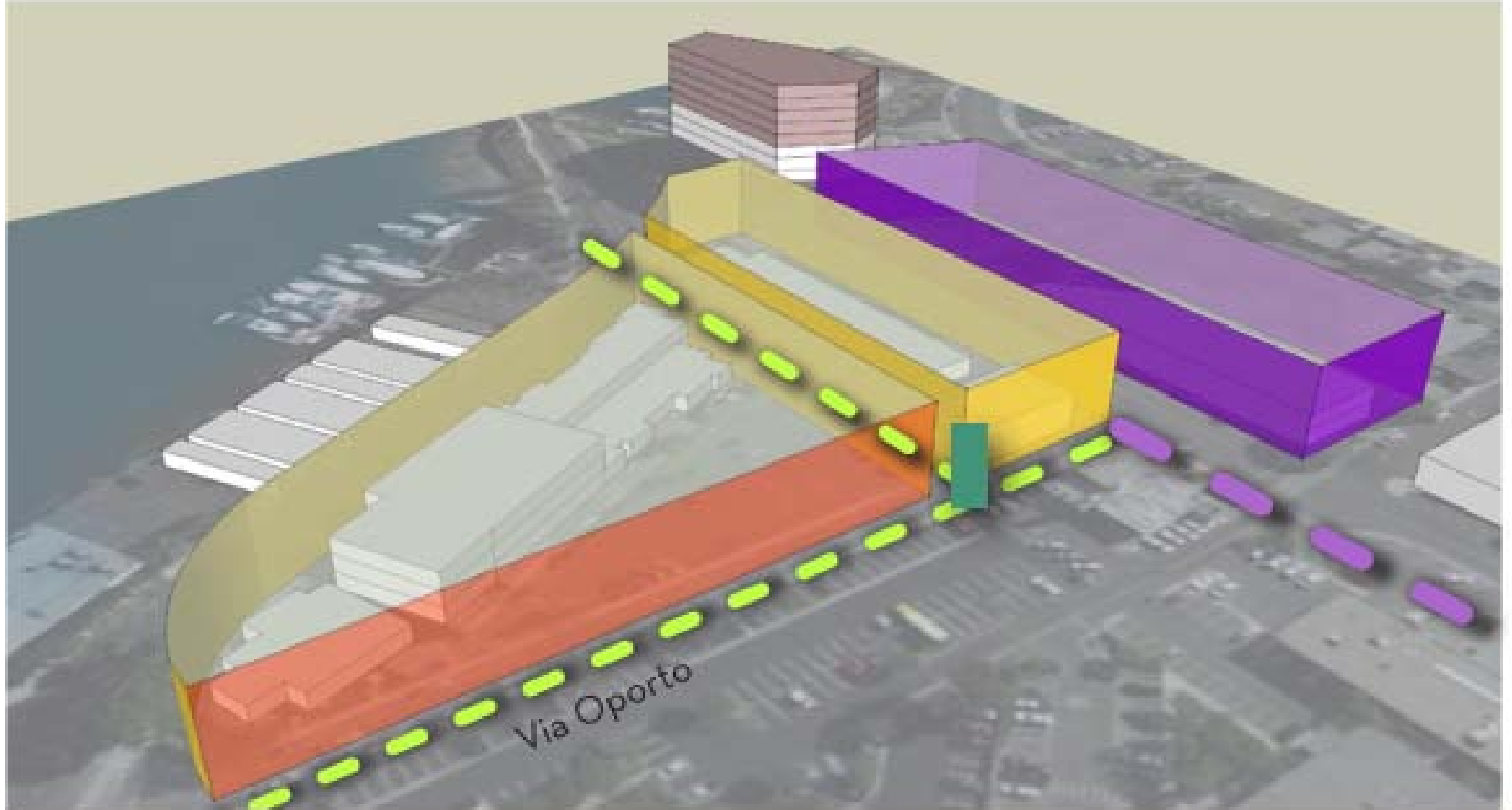
Exterior Elevations-West



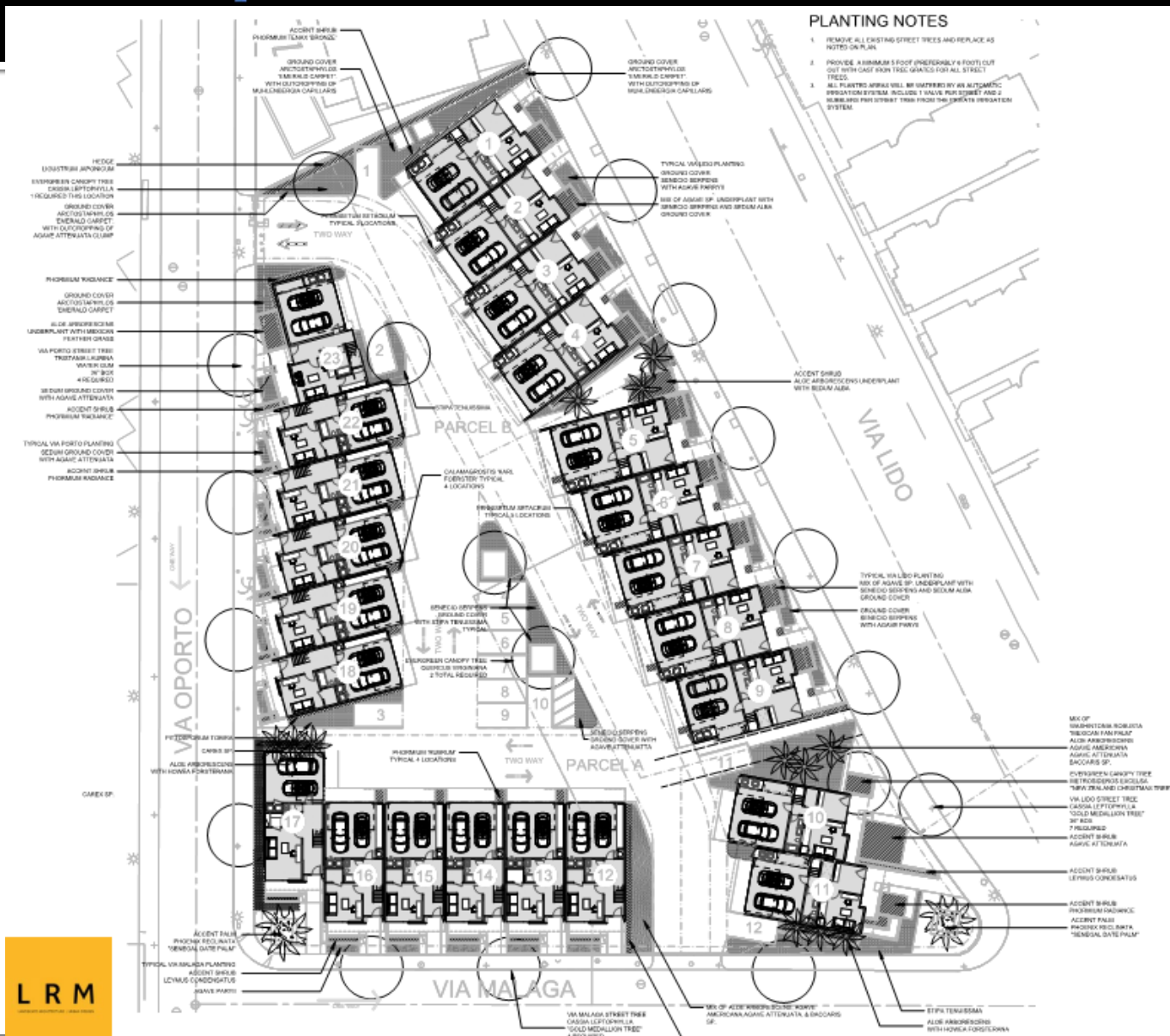
Edge Conditions



Edge Conditions



Landscape Plan



Alternatives

- Continue the item to the September 5th Planning Commission Meeting if additional consideration is necessary.
- If the Planning Commission recommends denial of the application, Staff suggests denying the application without prejudice to allow for an appropriate redesign of the project.

Updates

- One public comment and several agency comments were received in response to the MND.
- Impact Fees
- Requested revisions to conditions can be provided as an updated Exhibit “F” to the draft resolution for approval.
- Covenants, Conditions, and Restrictions
- Tentative Council date is November 12, 2013.